

**April 2006**

# **Safety Compliance Manual**

**Motor Carrier Services Division**  
*Missouri Department of Transportation*



# A Note From the MCS Director

Thank you for taking the time to learn about Missouri's motor carrier safety regulations. After all, the highways are the source of carriers' livelihood and you deserve a safe workplace.

I really enjoy meeting you when you visit MoDOT's MCS office. Whether you're taking care of registration, fuel tax or an overdimension/overweight permit, we are able to meet all your needs at one location. And now, if you have Internet access, you can take care of most of your business with MCS according to your schedule. Order permits, file IFTA and IRP reports and use your escrow account or credit card to cover your fees any time, day or night.

While you're on the Web, bookmark [www.modot.org/mcs](http://www.modot.org/mcs) and visit often. We'll post timely updates and reminders to help you stay on top of the latest developments.

Concerned about all the highway construction this summer? Be sure to visit [www.modot.org](http://www.modot.org). You can find a map that shows all the work zones that are active each day and lists of projects coming up soon. There will be very few construction-free routes this year as MoDOT delivers highway smoothing and safety projects made possible by Amendment 3. Please stay within the posted speed limit and stay alert. We do our best to make these zones as safe as possible and need your help so everyone can arrive alive.

Another safety issue greatly concerns me - 48% of commercial motor vehicle drivers don't buckle up. Lately, we find more than 300 carriers die in crashes, many because they did not wear their seatbelt. A seatbelt can keep you upright and able to control your truck during a crash. Without a belt, the force of a crash could throw you away from the wheel. Please, please buckle up.

The calls, visits and letters you send really help us learn what you need so we can design our processes to meet these needs. Keep it up! Continuous improvement benefits us both.

Finally, we want you to be successful and safety is the number one priority. I hope that you find this Safety Compliance Manual beneficial and easy to understand, keeping in mind that this is strictly a tool to be used as guidance and is not intended to take the place of the regulations. For specific regulations please refer to Title 49, Code of Federal Regulations.

Safe travels,

A handwritten signature in black ink, appearing to read "Jan Skouby". The signature is fluid and cursive, with the first name "Jan" and last name "Skouby" clearly distinguishable.

Jan Skouby,  
MoDOT Motor Carrier Services Director

**Motor Carrier Services Division  
Safety Compliance Manual**

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## **PREFACE**

This guide was developed to assist motor carriers in achieving safety compliance with the State and Federal Motor Carrier Safety Regulations (FMCSR). Sample forms for driver qualification files, accident registers, maintenance records, and other items are included.

This is a guide and not intended to take the place of the regulations. For specific regulations please refer to Title 49, Code of Federal Regulations.

Some regulations contained in Title 49, Code of Federal Regulations, while not enforceable by Motor Carrier Services Division, may be enforceable by other agencies within the state. Sample forms included may be used to comply with regulatory requirements, but are not mandated. Other form layouts that contain the same information or perform the same task may be sufficient. Occasionally, regulations mandate a specified form or content of a form (e.g. 49 CFR 391.43 mandates the DOT physical examination form). Consult the underlying regulation if there is any question as to the correctness of a form.

Our overall goal is to improve the safe transportation of passengers and goods on Missouri's highways through a coordinated effort of federal, state, and industry organizations to reduce fatalities, injuries, property damage and hazardous materials incidents.

This booklet is comprised of eighteen sections, each containing a specific safety regulation topic that is covered in the FMCSRs. These parts are listed in the Table of Contents. Each part contains information sheets that cover the highlights of that section. Please feel free to reproduce any or all material in this package and to distribute copies as needed. You may also obtain this information on the Federal Motor Carrier Safety Administration (FMCSA) Website at [www.fmcsa.dot.gov/](http://www.fmcsa.dot.gov/) or the MoDOT Motor Carrier Services Website at <http://www.modot.org/mcs>.

It is the responsibility of motor carrier operators and drivers to know and comply with all applicable FMCSRs. Safety compliance and safe operations translate into saved lives and property. We believe the information in this package, when effectively applied, will contribute to safer motor carrier operations and highways.

## ARE YOU SUBJECT TO THE SAFETY REGULATIONS?

Effective August 28, 2004, (Signing of Senate Bill 1233)

Code of Federal Regulations Parts 100 through 180 (Hazardous Material Regulations) and Parts 382 through 397 (Safety Regulations) generally pertain to:

- Any person operating any Commercial Motor Vehicle with a Gross Vehicle Weight Rating (GVWR) or Gross Combination Weight Rating (GCWR) greater than 10,000 pounds in Interstate Commerce.
- Any person operating any Commercial Motor Vehicle with a Gross Vehicle Weight Rating (GVWR) or Gross Combination Weight Rating (GCWR) greater than 26,000 pounds in Intrastate Commerce, unless transporting any amount of Hazardous Materials.

### Missouri Intrastate Exemptions

- A. Vehicles with less than 26,001 pounds Gross Vehicle Weight Rating (GVWR) or Gross Combination Weight Rating (GCWR) unless transporting passengers or any amount of Hazardous Materials.
- B. Vehicles licensed for 60,000 pounds or less and are used exclusively to transport solid waste (Intrastate only);
- C. Vehicles licensed for 42,000 pounds or less and the license plate has been designated for farm use by the letter F (Intrastate only), unless such vehicle is transporting hazardous materials;
- D. Persons having a valid Missouri Chauffeur's License on May 13, 1988 are not subject to the medical requirements of Part 391.41 (In intrastate commerce only).

### NOTICE TO PASSENGER CARRIERS

**Intrastate** private and regulated passenger carriers are subject to the Safety Regulations if they are designed to transport 7 or more passengers, including the driver.

**Interstate** passenger carriers are subject to the Safety Regulations if the vehicle is:

- Designed or used to transport 9 or more passengers (including the driver) for compensation;  
*Exception: The operation of passenger carrying vehicles designed or used to transport between 9 to 15 passengers (including the driver) for compensation are only required to comply with 49 CFR 385.21, Motor carrier identification report, 49 CFR 390.15, Assistance in investigations and special studies, and 49 CFR 390.21, Marking of commercial motor vehicles (except 390.21(b)(1) and part 387, Insurance).*
- Designed or used to transport 16 or more passengers (including the driver) and is not used to transport passengers for compensation.  
*Exceptions: The operation of commercial motor vehicles designed or used to transport between 9 and 15 passengers see 390.3(f)*

**\*Note: Effective May 13, 1988, Missouri adopted the Federal Regulations with the signing of Senate Bill 433.**

**MISSOURI DEPARTMENT OF TRANSPORTATION  
MOTOR CARRIER SERVICES**

**COMMERCIAL MOTOR VEHICLE  
TRANSPORTATION SYSTEM SECURITY & SAFETY**

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Every commercial motor vehicle transportation company should evaluate the level of security and safety within their own system, including at a minimum the following:

**General Security Information**

- Recommend to the carrier that a security plan be developed and implemented. It should include:
  - Personnel Security
  - Hazardous Materials and Package Control
  - En Route Security
  - Technical Innovations
  - Management Prerogatives
  - Communications
  - Reassessment Based Upon Current Conditions
- Recommend that management encourage input and participation in the development and implementation of the company's security program.

**Personnel Security**

- Discuss the fact that any employee could pose a security risk.
- Implement method for security identification (i.e. ID Badges). Identification should include the employee's name, the company name, the employee's picture, and a phone number where the employee's identification can be confirmed.
- Review the list of drivers and request the required number of driver qualification files for review.
- Ensure that the carrier is complying with the investigation and inquiry requirements of 49 CFR Section 391.23. Discuss with the company official any additional checks made, such as, criminal background checks, personal reference checks, credit checks, etc.
- When reviewing the contents of the driver qualification files, particular attention should be given to:
  - Gaps in employment
  - Frequent job shifts
  - All names used by the applicant
  - Type of military discharge
  - Citizenship
  - Present and prior residence information
  - Personal references
  - Criminal history
- Verify compliance with the Immigration Reform and Control Act of 1986, in that, I-9 forms are properly completed and maintained for all employees.

- Determine if the company utilizes face-to-face interviews, of prospective employees, to obtain information that will help to appraise the personality, character, motivation, honesty, integrity, and reliability.
- Any information or suspicious activity discovered during the review of these files should be reported immediately to your SD/DA for possible referral to the local FBI office.

#### **Hazardous Materials and Package Controls**

Security enhancements that might be considered:

- Are the facility grounds adequately lighted?
- Are hazardous materials located in a secure area?
- Are transport vehicles located in a secure area?
- Is the access to hazardous materials limited and/or monitored (sign-in/sign out)?
- Consider requiring employee identification cards/badges.
- Consider other protective measures, such as, security alarms, video surveillance, security services, etc.
- Consider if a guard force is appropriate (DOD Shipments, PIH, RAM, other).
- Require records for removal of HM from secure locations.
- Reinforce, with employees, the importance to remain aware of their surroundings at all times.
- Recommend standard procedures for control of HM packages, educating all employees on package control measures. Post procedures prominently at appropriate locations.
- Know who you are dealing with, including shippers, receivers and vendors that service your facility.
- Limit and track keys/entry cards, paying special attention to those issued to employees that are no longer with the company.

#### **En Route Security**

- Avoid high population centers, including downtown and/or metropolitan areas, tunnels and bridges where possible (see 49 CFR 397.67).
- Ensure that all hazardous materials are delivered expeditiously.
- Instruct drivers to lock vehicles when in transit or unattended.
- Reinforce attendance and parking rules in 49 CFR Part 397.
- Drivers must be aware of vehicles that may be following their truck and strangers asking inappropriate questions.
- Be suspicious of individuals asking you to stop as a result of an alleged traffic accident. If unsure whether the accident occurred, drive to a police station or to a well-lit busy location before stopping.
- Be cautious about stopping to help stranded motorists or at accident scenes. If possible, call the State Police instead.
- Do not pick-up hitchhikers.
- Do not discuss the nature of the cargo at coffee shops, trucks, over the CB radio, etc.
- Drivers must remain aware of their surroundings at all times.
- Drivers should have a means to maintain communication with the company, such as, cell phones, 2-way radios, CBs, satellite communication systems, etc.

### **Technical Innovations**

- Make yourself aware of technical innovations that could assist in security such as cell phones, satellite tracking, and surveillance systems.
- Look at state of the art locks and seals.
- Are access control systems appropriate?
- Consider tamper proof locking features for 5th Wheels (so that trailers can't be stolen).
- Consider installing electronic engine controls that require a code, in addition to a key, to start a vehicle.
- Consider theft prevention devices, steering locks, fuel cut-off switches, electrical cut-off switches, and other high security ignition devices.

### **Management Prerogatives**

- Include fingerprinting and photographs of applicants in the employment process.
- Be aware of personal identity theft such as using stolen social security numbers, references, etc.
- Consider running criminal background checks.
- Consider implementing security training for employees that includes:
  - Company Security Objectives
  - Specific Security Procedures
  - Employee Responsibility
  - Organizational Security Structure

### **Communications**

- Develop a communications network with others in the industry in an effort to share information to determine if there is a pattern of activities that, when taken alone are not significant, but when taken as a whole generate concern.
- Develop a means of communication within the physical plant and the vehicle (cell phones, satellite tracking, radios, etc.) Is the system capable of reaching all key personnel?
- Security messages should be presented to employees in various methods such as newsletters, bulletin boards, etc.

### **Readjustment Based Upon Current Conditions**

- Emphasize that terrorist activities tend to happen in groups. Security should be heightened if new attacks begin.
- Increase security measures while the U.S. is involved in military activities in foreign countries.
- Increase security measures when the U.S. is at a heightened state of alert.

### **Other**

- Suspicious activities should be immediately be reported by telephone, using 311 or 911, as appropriate.



## **PART 380**

### **Special Training Requirements Entry Level Driver Training Requirements**



### **Applicability**

- All entry-level drivers that operate a Commercial Motor Vehicle (CMV) requiring the possession of a Commercial Drivers License (CDL).
- Effective July 20, 2003, all new CDL holders with less than one (1) year experience must be trained.

Entry-level driver training is training the CDL driver receives in driver qualification requirements, hours of service of drivers, driver wellness, and whistle blower protection as appropriate to the entry-level driver's current position in addition to passing the CDL test.

### **Requirements**

- Proof of training – An employer who uses an entry-level driver must ensure the driver has received a training certificate containing all the information contained in 380.513 from the training provider.

### **Employer Responsibilities**

- Ensure entry-level drivers receive training
- File training certificate
- Maintenance of records
- Recordkeeping

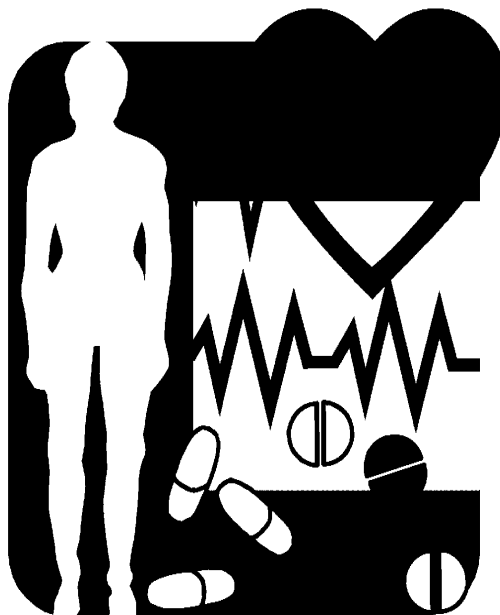
### **Training Certificate Requirements**

- Date of certificate issuance
- Name of training provider
- Mailing address of training provider
- Name of driver
- A statement that the driver has completed the training
- Printed name and signature of the person attesting that the driver received the required training

\*Note: For more detailed information on Longer Combination Vehicles (LCV), see Title 49, FMCSR, Part 380.

## **PART 382**

### **Alcohol and Drug Testing Requirements**



## **Part 382**

### **Alcohol and Drug Testing Requirements**

#### **Applicability**

Drivers required to have a commercial driver's license (CDL) are subject to the controlled substance and alcohol testing rules. This requirement extends to those drivers currently covered by the rule, including interstate and intrastate truck and motor coach operations.

This includes all commercial motor vehicles operated by:

- For-hire and private companies
- Federal, state, local, and tribal governments
- Church and civic organizations
- Apiarian industries

#### **Exemptions**

- Drivers exempt from commercial driver's license requirements by their issuing State
- Active duty military personnel

#### **Types of Alcohol and Controlled Substance Tests**

**Pre-employment:** No employer shall allow a driver to perform a safety sensitive function until they have received the negative controlled substance test result.

**Post-accident:** As soon as practicable following an accident involving a commercial motor vehicle operating on a public road in commerce, each employer shall test for alcohol and controlled substances of each surviving driver: Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or Who receives a citation under state or local law for a moving traffic violation arising from the accident, if the accident involved: Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

**Random:** Companies are to scientifically and randomly test drivers at a minimum annual percentage rate of 10% of the number of drivers for alcohol testing, and 50% for controlled substances testing. The random alcohol test must be performed prior, during or just after a driver is about to, or has performed a safety sensitive function as defined in Section 382.107. All drivers must have an equal chance of being selected.

**Reasonable suspicion:** An employer shall require a driver to submit to an alcohol and/or controlled substance test when the employer has reasonable suspicion to believe that the driver has violated the prohibitions concerning alcohol and/or controlled substances. The employer's determination that reasonable suspicion exists to require the driver to undergo an alcohol and/or controlled substance test must be based on specific, contemporaneous, articulate observations concerning the appearance, behavior, speech or body odors of the driver. The required observations shall be made by a supervisor or company official who is trained in accordance with Section 382.603 (Supervisor Awareness Training).

**Return-to-duty:** Each employer shall ensure that before a driver returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by subpart B of this part concerning alcohol or controlled substances, the driver shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 or the driver shall undergo a return-to-duty controlled substances test with a result indicating a verified negative result for controlled substances use.

**Follow-up:** If a substance abuse professional has determined that a driver needs assistance for the misuse of alcohol, or for use of a controlled substance, an employer must ensure that the driver is subject to follow-up testing. A minimum of six tests must be conducted in the first 12 months, and the driver may only be subject to this test for a maximum of 60 months.

### **Retention of Records**

#### **Five Years:**

- Alcohol test results indicating a Breath Alcohol Concentration (BAC) of 0.02 or greater
- Verified positive drug test results
- Refusals to submit to required alcohol and drug tests
- Required calibration of Evidential Breath Testing (EBT) devices

#### **Two Years:**

- Records related to the collection process and required training

#### **One Year:**

- Negative and canceled controlled substance test results
- Alcohol test results indicating a BAC of less than 0.02

### **Location of Records**

All required records shall be maintained in a secure location with limited access, and shall be made available for inspection by an authorized representative of the Federal Motor Carrier Safety Administration.

### **Driver Awareness**

Every motor carrier shall provide educational materials explaining the requirements of the regulations as well as the employer's policies regarding alcohol misuse and controlled substances abuse. At a minimum, detailed discussions should include:

- The identity of the person designated to answer drug and alcohol questions
- Which drivers are subject to these requirements, what behavior is prohibited, and a clarification of what a "safety sensitive function" is
- The circumstances under which a driver will be tested, and the procedures that will be used for testing
- Explanations of the requirement that a driver submit to the testing, as well as what constitutes a driver's refusal to submit to testing
- The consequences for drivers who have violated the testing requirements
- Information concerning the effects of alcohol misuse, and controlled substances abuse on health, work, and personal life

## **Supervisor Training**

Each employer shall ensure that all persons designated to supervise drivers receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training will be used by the supervisors to determine whether reasonable suspicion exists to require a driver to undergo testing under Section 382.307. The training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances. Recurrent training for supervisory personnel is not required. (382.603)

## **Company Policy**

For employer obligation to promulgate a policy on the misuse of alcohol and use of controlled substances, see Section 382.601.

## **Inquiries to Previous Employers**

A motor carrier, with the driver's written authorization, shall inquire about the following information on a driver from the driver's previous employers for a period of two years preceding the driver's date of application. Section 40.25(b)

If you are an employer from whom information is requested under 40.25(b), you must, after reviewing the employee's specific, written consent, immediately release the requested information to the employer making the inquiry. Section 40.25(h):

- Alcohol tests with a result of 0.04 alcohol concentration or greater
- Verified positive controlled substances test results and
- Refusals to be tested
- Other violations of DOT agency drug and alcohol testing regulations
- With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty requirements (including follow-up tests). If the previous employer does not have information about the return-to-duty process (e.g., an employer who did not hire an employee who tested positive on a pre-employment test), you must seek to obtain this information from the employee.

## **Consortium Information**

MoDOT Motor Carrier Services Division does not endorse any consortiums. You are reminded that your company is responsible for drug and alcohol testing compliance. Evaluate carefully any company retained to provide consortium or laboratory testing services. Some companies provide more limited services. Be sure that the company selected provides all the services you need to ensure full compliance with the regulations.

To locate a consortium, you may contact one of the many associations dealing with the commercial motor vehicle industry, a hospital, or a clinic to provide you with the name of a consortium.

A Website that may be beneficial as a resource for one of the many associations is [www.dot.gov](http://www.dot.gov), go to Safety, Drug and Alcohol Safety.

## PART 382 DEFINITIONS

### Subject: 382.107 Definitions

**"Refusal to submit (to an alcohol or controlled substance test)"** - a driver (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing, (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing, or (3) engages in conduct that clearly obstructs the testing process.

**"Safety-sensitive function"** - any of those on-duty functions set forth in 395.2 On-Duty Time, paragraphs (1) through (6) as listed below:

- 1) All time at a carrier or shipper plant, terminal, facility, or other property, waiting to be dispatched, unless the driver has been relieved from duty by the employer.
- 2) All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations (FMCSR's), or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
- 3) All time spent at the driving controls of a commercial motor vehicle.
- 4) All time, other than driving time, spent on or in a commercial motor vehicle (except for time spent resting in the sleeper berth).
- 5) All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
- 6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

#### SAMPLE POLICY STATEMENT

This company is dedicated to providing safe and efficient service to our customers. Our employees are our most valuable resource in ensuring the quality of this service. The goal of this company is, therefore, to provide our employees with a workplace environment, which promotes health and safety.

In order to meet this goal, we hereby endorse the Federal Highway Administration's anti-drug and anti-alcohol policies and regulations. This company will not tolerate unauthorized use, abuse, possession or sale of controlled substances by its employees. Drug testing will be an integral part of our program. We will provide training, education and other assistance to our employees to help them understand their responsibilities in achieving a drug-free environment.

Non-compliance with this policy or violation of the regulations may result in severe disciplinary action including suspension or dismissal.

## AUTHORIZATION FOR PAST DRUG AND ALCOHOL TEST RESULTS

I understand that, under Federal law, it is a condition of qualification with \_\_\_\_\_, that I provide written authorization to obtain the results of all Department of Transportation (DOT) required drug and alcohol tests (including refusals to get tested) from all companies for which I provided services as a driver during the last two years, whether as an employee or independent contractor or as an employee or contractor of an agent of the company, or for which I took a pre-employment or pre-qualification drug test during the past two years and name(s) and addresses of any Substance Abuse Professional (SAP) under which I obtained treatment or counseling during the past five years.

The company listed below is one for which I provided services as a driver or to which I applied as a driver during the last two years. I authorize \_\_\_\_\_ to obtain from this company and I authorize this company to furnish to \_\_\_\_\_ the following information on my drug and/or alcohol tests (including any information the company obtained from a previous employer for whom I provided services as a driver or to which I applied for a driving position) during the last two years: (1) all positive drug test results; (2) all adulterated or substituted a test specimen for controlled substance results; (3) all alcohol tests results of 0.04 or greater; (4) all alcohol test results or 0.02 or greater but less than 0.04; (5) all instances in which I refused to submit to a DOT-required drug and/or alcohol test.

1. Has this person committed other violations of Subpart B of Part 382, or Part 40? Yes ☐ No ☐
2. If this person has violated a DOT drug and alcohol regulation, did this person complete a SAP-prescribed rehabilitation program in your employ, including return-to-duty and follow-up tests? If yes, please send documentation back with this form. Yes ☐ No ☐
3. For a driver who successfully completed a SAP's rehabilitation referral and remained in your employ, did this driver subsequently have an alcohol test result of 0.04 or greater, a verified positive drug test, or refuse to be tested? Yes ☐ No ☐

In answering these questions, include any required DOT drug and alcohol testing information obtained from prior previous employers in the previous 3 years prior to the application date.

Name: \_\_\_\_\_ Company: \_\_\_\_\_

Street: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Dates Worked For/Applied To: \_\_\_\_\_

Completed by: \_\_\_\_\_  
Signature/Title Date

I have carefully read and fully understand this authorization. I certify that all of the information that I have furnished is true and complete and that the company listed is one that I have provided services for as a driver or applied for work or qualification as a driver during the past two years.

Signature of Applicant

Date



## OBSERVED BEHAVIOR - REASONABLE CAUSE RECORD

Employee: Name: _____			
Identification Number: _____			
Observation Date: _____			
Location: _____			
(STREET)	(CITY)	(STATE)	(ZIP)

### CAUSE FOR SUSPICION

1) Presence of Drugs and/or Drug Paraphernalia (specify): \_\_\_\_\_

2) Appearance: ☐ Normal ☐ Flushed ☐ Puncture Marks  
☐ Disheveled ☐ Bloodshot Eyes ☐ Profuse Sweating  
☐ Dry-mouth Symptoms ☐ Runny Nose/Sores ☐ Tremors  
☐ Dilated/Constricted Pupils ☐ Inappropriate wearing of sunglasses  
☐ Other \_\_\_\_\_

3) Behavior/ Speech: ☐ Normal ☐ Incoherent ☐ Slurred ☐ Silent  
☐ Confused ☐ Slowed ☐ Whispering  
☐ Other \_\_\_\_\_

Awareness: ☐ Normal ☐ Confused ☐ Mood Swings ☐ Euphoria  
☐ Lethargic ☐ Paranoid ☐ Disoriented  
☐ Lack of Coordination  
☐ Other \_\_\_\_\_

4) Motor Skills Balance: ☐ Normal ☐ Swaying ☐ Falling ☐ Staggering  
☐ Other \_\_\_\_\_

Walking & Turning: ☐ Normal ☐ Swaying ☐ Arms Raised for Balance  
☐ Stumbling ☐ Falling ☐ Reaching for Support  
☐ Other \_\_\_\_\_

5) Other Observed Actions or Behavior (specify): \_\_\_\_\_

Witnessed by:

\_\_\_\_\_  
(SIGNATURE) (TITLE) (DATE) (TIME) am/pm

\_\_\_\_\_  
(SIGNATURE) (TITLE) (DATE) (TIME) am/pm

This document must be prepared and signed by the witnesses within 24 hours of the observed behavior or before the results of the test are released, whichever is earlier (49 CFR 391.99(d)).

# **PART 383**

## **Commercial Driver's License Standards**



## Part 383

### Commercial Driver's License Standards: Requirements and Penalties

The licensing provisions in Part 383 are intended to help reduce accidents by setting standards that:

- Require commercial drivers to be properly qualified and to hold a single valid driver's license (CDL) and
- Disqualify drivers who do not operate a *Commercial Motor Vehicle (CMV)* safely

#### Vehicles Requiring Commercial Driver's Licenses

Drivers must hold a CDL if they operate in interstate, intrastate, or foreign *commerce* and drive a vehicle:

- A single vehicle with a Gross Vehicle Weight Rating (GVWR) of 26,001 pounds or more, or
- A Gross Combination Weight Rating (GCWR) of 26,001 pounds or more, inclusive of a towed unit with a Gross Vehicle Weight Rating (GVWR) of more than 10,000 pounds, or
- Designed to transport at least 16 passengers including the driver, or
- Transporting a quantity of hazardous materials requiring placarding

Because the CDL is a state-issued license, you should check with appropriate state officials regarding particular license classes and specific exemptions.

**\*Gross combination weight rating (GCWR)** means the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon.

**\*Gross vehicle weight rating (GVWR)** means the value specified by the manufacturer as the loaded weight of a single vehicle.

#### Notification to Employer and Licensing State

Upon *conviction* for *any* state or local traffic violation, a driver must notify his/her employer(s) within 30 days. This notification must be in writing and must include the following information:

- Driver's full name
- Driver's license number
- Date of conviction
- Details about the offense, including any resulting suspension, revocation, or cancellation of driving privileges
- Indication of whether the violation happened in a CMV
- Location of offense and
- Driver's signature

## **Disqualifying Offenses**

No employer shall knowingly allow, require, permit, or authorize a disqualified driver to drive a CMV. Disqualifying offenses include:

- Driving a CMV while under the influence of alcohol \*
- Driving a CMV while under the influence of a disqualifying drug or other controlled substance\*
- Having an alcohol concentration of 0.04 or greater while operating a CMV
- Having an alcohol concentration of 0.08 or greater while operating any motor vehicle\*
- Refusing to take an alcohol test as required by a State or jurisdiction under its implied consent laws or regulations as defined in 383.72\*
- Leaving the scene of an accident that involves a CMV\*
- Using a CMV to commit a felony\*
- Driving a CMV when the driver's CDL is revoked, suspended, or canceled, or the driver is disqualified from operating a CMV\*
- Using a CMV to cause a fatality\*
- Using a CMV to commit serious traffic violations\*
- Using a CMV to violate an Out-of-Service Order
- Using a CMV to violate the Railroad-Highway Grade Crossing rule\*

*\* Effective September 30, 2005, CDL license holders will be subject when driving a non-CMV (personal vehicle) to the moving violation standards in 383.51, the same as if they were driving CMV.*

## **Penalties**

A driver convicted of a felony offense for using a CMV for manufacturing, distributing or dispensing a controlled substance is disqualified for life, but may be eligible for reinstatement after ten years.

## **Suspensions for Traffic Violations**

A 60-day, 120-day, 1 year, 3 year and life suspension will be imposed on certain convictions, depending on severity, number of convictions and subsequent convictions. For more information on the types of convictions and disqualification time frames, please reference 383.51.

## **Implied Consent**

Any CDL holder is automatically considered to have consented to alcohol testing by any state or jurisdiction.

## MISSOURI CLASSIFICATION SYSTEM

(Note: Certain types of vehicles such as tankers, passenger, vehicles hauling hazardous materials and double/triple trailers, will require an endorsement. Please consult test in the CDL manual offered at the Department of Revenue for particulars.)

<u>CLASS</u>	<u>*Description</u>
--------------	---------------------

- |          |  |
|----------|--|
| <b>A</b> | Any combination of vehicles with a Gross Combination Weight Rating (GCWR) of 26,001 or more pounds provided the Gross Vehicle Weight Rating (GVWR) of the vehicle(s) being towed is in excess of 10,000 pounds. (Holders of a Class A license may also, with any appropriate endorsements, operate all vehicles within Class B and C). |
|----------|--|

Examples include but are not limited to:



- |          |  |
|----------|--|
| <b>B</b> | Any single vehicle with a GVWR of 26,001 or more pounds or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR. (Holders of a Class B license may also, with any appropriate endorsements, operate all vehicles within Class C). |
|----------|--|

Examples include but are not limited to:



- |          |   |
|----------|---|
| <b>C</b> | Any single vehicle less than 26,001 pounds GVWR or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR. This group applies only to vehicles, which are required to be placarded for hazardous materials or are designed to transport 16 or more persons, including the operator. A holder of a Class A, B, or C license may drive all vehicles which may be driven by a holder of a Class E or Class F license. |
|----------|---|

Examples include but are not limited to:



\*The representative vehicle for the skills test must meet the written description for that group. The examples represent, but do not fully cover, the types of vehicles falling within each group.

### Endorsements

In addition to general knowledge and skills tests, drivers who operate specialized commercial motor vehicles must pass additional tests and obtain endorsements on their CDL, as follows:

- T** — Double/triple trailers (knowledge test only)
- P** — Passenger (knowledge and skills tests)
- N** — Tank vehicle (knowledge test only)
- H** — Hazardous materials (knowledge test only)
- X** — Combination of tank vehicle and hazardous materials (knowledge tests)
- S** — School Bus (knowledge and skills tests)\*

\*Effective September 2005, "S" will not suffice for "P" Endorsement.

## **Air Brake Restrictions**

If an applicant fails the air brake section of the knowledge test, or performs the skills test in a vehicle not equipped with air brakes, his/her CDL, if issued, will indicate that the license holder may not operate any CMV equipped with air brakes.

*Note: For the purposes of the skills test and the license restriction, air brakes include any braking system that operates fully or partially on the air brake principle.*

### **For-Hire License (Class E) -- Eligible Age 18 Missouri Intrastate Only**

You must have a Class E license if you receive pay for driving a motor vehicle transporting 14 or fewer passengers, or if you will transport property for pay or as part of your employment. Anyone who regularly operates a motor vehicle for his or her employment, whether owned by that person or belonging to another person and designed to carry freight, merchandise or is operated in furtherance of that business or commercial enterprise, must also have a Class E license. (Example: If the person is a delivery driver, whether the car is owned by the driver or the company, that person must have a Class E license or greater.) The vehicle driven must be 26,000 pounds or less gross vehicle weight rating (GVWR) and not required to be placarded for hazardous materials. You must be at least 18 years old and pass the driver's exam to get a Class E license.

### **Missouri Intrastate Only "K" Restriction**

A driver obtaining or renewing a CDL license may have a "K" restriction placed on their license, which designates "Intrastate Driving Only". This "K" restriction applies to drivers of:

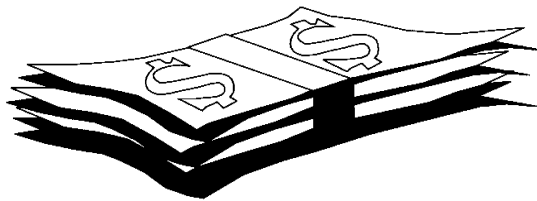
- Vehicles licensed for 60,000 pounds or less and are used exclusively to transport solid waste (Intrastate only);
- Vehicles licensed for 42,000 pounds or less and the license plate has been designated for farm use by the letter F (Intrastate only), unless such vehicle is transporting hazardous materials;
- Persons having a valid Missouri Chauffeur's License on May 13, 1988 are not subject to the medical requirements of Part 391.41 (In intrastate commerce only)
- Persons 18 to 20 years old. A driver who is at least 18 years of age, but not yet 21 years of age, if otherwise qualified and licensed to operate a commercial motor vehicle transporting passengers or property, may do so, only in intrastate commerce, except hazardous materials. (Any person transporting hazardous material must be at least 21 years old). This subsection exempts these drivers only from the 21 year minimum age required by 49 CFR 391.11(b)(1), but not from any physical qualification required by 49 CFR 391.41.

In addition, MoDOT may authorize a person who is physically unqualified to drive a commercial motor vehicle to operate commercial motor vehicles in Missouri intrastate commerce only. MoDOT grants individual medical exemptions by issuing a Skill Performance Evaluation (SPE) Certificate, to successful applicants, whether they are physically unqualified because of limb amputation, limb impairment, insulin-treated diabetes mellitus, or vision impairment.

## **PART 387**

### **Minimum Levels of Financial Responsibility for Motor Carriers**

**(Interstate and Intrastate Commerce)**



## **Part 387**

### **Minimum Levels of Financial Responsibility for Motor Carriers (Interstate and Intrastate Commerce)**

**Financial responsibility** means having insurance policies or surety bonds sufficient to satisfy the minimum public liability requirements. **Public liability** means liability for bodily injury, property damage, and environmental restoration. **Environmental restoration** means restitution for the loss, damage, or destruction of natural resources arising out of an accidental discharge of toxic or other environmentally harmful materials or liquids.

#### **Requirements for Financial Responsibility**

Motor carriers of property operating commercial motor vehicles in interstate, foreign, or intrastate commerce, and for-hire carriers of passengers operating in interstate or foreign commerce must have at least the minimum amount of insurance required by law.

(See the Schedule of Limits in this folder for minimum levels of financial responsibility).

#### **Proof**

The motor carrier must have proof of the minimum level of insurance at the company's principal place of business.

Proof may be shown by any of the following:

- Endorsements for Motor Carriers policies of insurance for public liability under Sections 29 and 30 of the Motor Carrier Act of 1980 (Form MCS-90) issued by an insurer
- Endorsements for Motor Carriers of Passengers policies of insurance for public liability under Section 18 of the Bus Regulatory Reform Act of 1982 (Form MCS-90B\*) issued by an insurer
- A Motor Carrier Surety Bond for public liability under Section 30 of the Motor Carrier Act of 1980 (Form MCS-82) issued by a surety
- A Motor Carriers of Passengers Surety Bond for public liability under Section 18 of the Bus Regulatory Reform Act of 1982 (Form MCS-82B\*) issued by a surety
- A written decision, order, or authorization of the Interstate Commerce Commission authorizing the motor carrier to self-insure under 49 CFR 1043.5



**ENDORSEMENT FOR  
MOTOR CARRIER POLICIES OF INSURANCE FOR PUBLIC LIABILITY  
UNDER SECTIONS 29 AND 30 OF THE MOTOR CARRIER ACT OF 1980**

Issued to \_\_\_\_\_ of \_\_\_\_\_

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

Amending Policy No. \_\_\_\_\_ Effective Date \_\_\_\_\_

Name of Insurance Company \_\_\_\_\_

Countersigned by \_\_\_\_\_  
Authorized Company Representative

The policy to which this endorsement is attached provides primary or excess insurance, as indicated by "[X]," for the limits shown:

☐ This insurance is primary and the company shall not be liable for amounts in excess of \$\$ \_\_\_\_\_ for each accident.

☐ This insurance is excess and the company shall not be liable for amounts in excess of \$\$ \_\_\_\_\_ for each accident in excess of the underlying limit of \$ \_\_\_\_\_ for each accident.

Whenever required by the Federal Motor Carrier Safety Administration (FMCSA), the company agrees to furnish the FMCSA a duplicate of said policy and all its endorsements. The company also agrees, upon telephone request by an authorized representative of the FMCSA, to verify that the policy is in force as of a particular date. The telephone number to call is: \_\_\_\_\_.

Cancellation of this endorsement may be effected by the company of the insured by giving (1) thirty-five (35) days notice in writing to the other party (said 35 days notice to commence from the date the notice is mailed, proof of mailing shall be sufficient proof of notice), and (2) if the insured is subject to the FMCSA's registration requirements under 49 U.S.C.13901, by providing thirty (30) days notice to the FMCSA (said 30 days notice to commence from the date the notice is received by the FMCSA at its office in Washington, D.C.).

**DEFINITIONS AS USED IN THIS ENDORSEMENT**

**Accident** includes continuous or repeated exposure to conditions or which results in bodily injury, property damage, or environmental damage, which the insured neither expected nor intended.

**Motor Vehicle** means a land vehicle, machine, truck, tractor, trailer, or semi-trailer propelled or drawn by mechanical power and used on a highway for transporting property, or any combination thereof.

**Bodily Injury** means injury to the body, sickness, or disease to any person, including death resulting from any of these.

**Property Damage** means damage to or loss of use of tangible property.

**Environmental Restoration** means restitution for the loss, damage, or destruction of natural resources arising out of the accidental discharge, dispersal, release or escape into or upon the land, atmosphere, watercourse, or body of water, of any commodity transported by a motor carrier. This shall include the cost of removal and the cost of necessary measures taken to minimize or mitigate damage to human health, the natural environment, fish, shellfish, and wildlife.

**Public Liability** means liability for bodily injury, property damage, and environmental restoration

The insurance policy to which this endorsement is attached provides automobile liability insurance and is amended to assure compliance by the insured, within the limits stated herein, as a motor carrier of property, with Sections 29 and 30 of the Motor Carrier Act of 1980 and the rules and regulations of the Federal Motor Carrier Safety Administration (FMCSA).

In consideration of the premium stated in the policy to which this endorsement is attached, the insurer (the company) agrees to pay, within the limits of liability described herein, any final judgment recovered against the insured for public liability resulting from negligence in the operation, maintenance or use of motor vehicles subject to the financial responsibility requirements of Sections 29 and 30 of the Motor Carrier Act of 1980 regardless of whether or not each motor vehicle is specifically described in the policy and whether or not such negligence occurs on any route or in any territory authorized to be served by the insured or elsewhere. Such insurance as is afforded, for public liability, does not apply to injury to or death of the insured's employees while engaged in the course of their employment, or property transported by the insured, designated as cargo. It is understood and agreed that no condition, provision, stipulation, or limitation contained in the policy, this endorsement, or any other endorsement thereon, or violation thereof, shall relieve the company from liability or from the

payment of any final judgment, within the limits of liability herein described, irrespective of the financial condition, insolvency or bankruptcy of the insured. However, all terms, conditions, and limitations in the policy to which the endorsement is attached shall remain in full force and effect as binding between the insured and the company. The insured agrees to reimburse the company for any payment made by the company on account of any accident, claim, or suit involving a breach of the terms of the policy, and for any payment that the company would not have been obligated to make under the provisions of the policy except for the agreement contained in this endorsement.

It is further understood and agreed that, upon failure of the company to pay any final judgment recovered against the insured as provided herein, the judgment creditor may maintain an action in any court of competent jurisdiction against the company to compel such payment.

The limits of the company's liability for the amounts prescribed in this endorsement apply separately to each accident and any payment under the policy because of any one accident shall not operate to reduce the liability of the company for the payment of final judgments resulting from any other accident.

## Schedule of Limits - Public Liability

Type of carriage	Commodity transported	Jan. 1, 1985
(1)For-hire (In interstate or foreign commerce, with a gross vehicle weight rating of 10,000 or more pounds).	Property (nonhazardous).....	\$750,000
(2)For-hire and Private (In interstate, foreign, or intrastate commerce, with a gross vehicle weight rating of 10,000 or more pounds).	Hazardous substances, as defined in 49 CFR 171.8,transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk Division 1.1,1.2, and 1.3 materials, Division 2.3,Hazard Zone A, or Division 6.1,Packing Group I, Hazard Zone A material; in bulk Division 2.1 or 2.2;or highway route controlled quantities of a Class 7 material, as defined in 49 CFR 173.403	\$5,000,000
(3)For-hire and Private (In interstate or foreign commerce, in any quantity; or in intrastate commerce, in bulk only; with a gross vehicle weight rating of 10,000 or more pounds). * (See Note)	Oil listed in 49 CFR 172.101;hazardous waste, hazardous materials, and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101,but not mentioned in (2)above or (4) below.	\$1,000,000
(4)For-hire and Private (In interstate or foreign commerce,with a gross vehicle weight rating of less than 10,000 pounds).	Any quantity of Division 1.1,1.2,or 1.3 material; any quantity of a Division 2.3,Hazard Zone A,or Division 6.1,Packing Group I,Hazard Zone A material; or highway route controlled quantities of a Class 7 material as defined in 49 CFR 173.403.	\$5,000,000

Note: Unless hauling bulk hazardous material, this applies to For-hire and Private (In interstate or foreign commerce); or For-hire intrastate commerce, and does not apply to Private intrastate commerce.

- Tow trucks with a GVWR or GCWR of 10,000 pounds or more performing emergency moves in interstate or foreign commerce are required to maintain minimum levels of financial responsibility in the amount of \$750,000. Tow trucks performing secondary moves are required to maintain levels of coverage applicable to the commodity being transported by the vehicle being towed.
- Vehicles being transported by motor vehicle are subject only to 49 CFR 173.220 of the HMRs, they meet the definition of "Hazardous material" in 49 CFR 171.8 because "Vehicle, flammable gas powered" and "Vehicle, flammable liquid powered" (this includes diesel fuel) are designated as hazardous in 49 CFR 172.101 [UN 3166]. For that reason, vehicles transporting other vehicles would have to carry \$1,000,000 of public liability insurance.
  - Examples may include, but are not limited to: backhoe, motorcycles, self-propelled lawn mowers, tractors, bobcats, auto-haulers, etc.

## FILING PROOF OF INSURANCE

### Bodily Injury and Property Damage Liability (BIPD)

Proof of BIPD insurance must be on file with Motor Carrier Services Division before the motor carrier can transport property or passengers in and through this state, unless exempted under RSMo 390.030. The insurance form that must be on file is one of the following:

#### Intrastate Operations

1. Form E, Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance (intrastate household goods carriers must also file a Form H, Uniform Motor Carrier Cargo Certificate of Insurance);
2. Form G, Uniform Motor Carrier Bodily Injury and Property Damage Surety Bond; or
3. An application to self-insure on the prescribed application form.

#### ICC Operations (SSRS - proof of BIPD insurance should be filed in registration state only)

1. BMC 91/91X, Uniform Motor Carrier Bodily Injury and Property Damage Certificate of Insurance;
2. MCS 82, Surety Bond; or
3. Copy of order issued by the FHWA approving self insurance status.

#### Interstate Exempt Operations

1. Form E, Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance (intrastate household goods carriers must also file a Form H, Uniform Motor Carrier Cargo Certificate of Insurance)
2. Form G, Uniform Motor Carrier Bodily Injury and Property Damage Surety Bond; or
3. An application to self-insure on the prescribed application form.

The minimum levels of BIPD liability insurance are listed below:

#### 1. Intrastate-Passenger Service

Twelve (12) passenger or less capacity, \$100,000 for injury or death of one (1) person; \$300,000 for any (1) accident; \$50,000 property damage for any one (1) accident.

More than twelve (12) passenger capacity, \$100,000 for injury or death of one (1) person; \$500,000 for any one (1) accident; \$50,000 property damage for any one (1) accident.

#### 2. Intrastate Property-Nonhazardous

\$100,000 for injury or death of one (1) person; \$300,000 for any one (1) accident; \$50,000 property damage for any one (1) accident.

#### 3. Interstate property-Nonhazardous . . . . . \$750,000\*

#### 4. Interstate/Intrastate Property-Hazardous . . . . . \$5,000,000\*

Hazardous substance, as defined in 49 CFR 171.8 transported in cargo tanks or hopper-type vehicles with capacities in excess of 3,500 water gallons; any quantity of Class 1.1, 1.2, or 1.3 explosives; any quantity of Class 2.3 Hazard Zone A; any quantity of Class 6.1, Packing Group I, Hazard Zone A; Class 7 radioactive materials in highway route controlled quantities as defined in 49 CFR 173.455; and Class 2.1 and 2.2 gases in tanks with capacities in excess of 3,500 water gallons.

#### 5. Interstate/Intrastate Property-Hazardous . . . . . \$1,000,000\*

Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 171.101, but not mentioned in 4 or 6.

#### 6. Interstate Passengers . . . . . \$5,000,000

Any vehicle with a seating capacity of sixteen (16) passengers or more, including the driver

#### 7. Interstate Passengers . . . . . \$1,500,000

Any vehicle with a seating capacity of fifteen (15) passengers or less, including the driver

\* This limit applies only to vehicles with a gross vehicle weight rating of 10,000 pounds or more.

### **Cargo Insurance (Intrastate Household Goods Operations Only)**

Proof of cargo insurance must be on file to transport household goods within the borders of this state. The insurance form must be one of the following:

1. Form H, Uniform Motor Carrier Cargo Certificate of Insurance; or
2. Form J, Uniform Motor Carrier Cargo Surety Bond.

The minimum level of cargo insurance is as follows:

Loss of damage to property carried on any one (1) motor vehicle - \$2,500; and

Loss or damage to or aggregate of losses or damages of or to property occurring at any one (1) time and place - \$5,000.

### **Financial Responsibility for Missouri Overdimension Overweight Permit**

An applicant must submit proof of insurance meeting the required minimum amount before a permit can be issued. While operating under authority granted, an applicant must have on file with the Missouri Department of Transportation, Motor Carrier Services Division an approved certificate of liability insurance specifically showing coverage of amounts not less than the following:

Schedule of Minimum Limits of Combined Single Limit Automobile Liability:

<b><u>Type of Move</u></b>	<b><u>Amount</u></b>
1) Routine	\$750,000
2) Super Heavy and Large Loads	\$2,000,000
3) Noncommercial Building (House) Movement	\$2,000,000

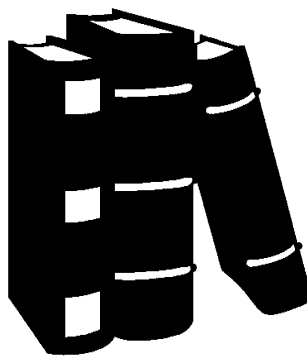
Travel under permit must be with properly licensed, insured and permitted vehicles and must be licensed for maximum weights in order to obtain overweight permits. For specific information relating to these regulations, please review the Missouri Revised Statutes, Chapters 260, 301 through 307, 390 and 622.

If there are any questions concerning these requirements, please contact the Motor Carrier Services Division, Compliance Communication Center at (573) 751-7100 or (800) 877-8499.

**PART 390**

**Federal Motor Carrier Safety Regulations**

**General Applicability**



## **Part 390**

### **Federal Motor Carrier Safety Regulations: General**

#### **General Applicability**

The Federal Motor Carrier Safety Regulations (FMCSRs) apply to all employers, employees, and commercial motor vehicles transporting property or passengers in interstate commerce.

**Commercial Motor Vehicle in “INTERSTATE COMMERCE”:** Any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle:

- Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight of 4,536 kg (10,001 pounds) or more, or
- Is designed or used to transport 9 or more passengers, including the driver, for compensation or
- Is designed or used to transport 16 or more passengers, including the driver, and is not used to transport passengers for compensation or
- Is used in transporting a quantity of hazardous material requiring placarding

**Commercial Motor Vehicle in “INTRASTATE COMMERCE”:** Any self-propelled or towed motor vehicle used on a highway in intrastate commerce to transport passengers or property when the vehicle:

- Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight of 57,322 kg (26,001 pounds) or more, or
- Is designed or used to transport 7 or more passengers, including the driver, for compensation or
- Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight of 4,536 kg (10,001 pounds) or more and is used in transporting any amount of hazardous material
- Is used in transporting a quantity of hazardous material requiring placarding

#### **Exemptions (Intrastate Only)**

- Vehicles with less than 26,001 pounds Gross Vehicle Weight Rating (GVWR) or Gross Combination Weight Rating (GCWR) and not transporting any amount of hazardous material
- Vehicles licensed for 60,000 pounds or less when used exclusively for the transportation of solid waste
- Vehicles licensed for less than 42,000 pounds and the license plate has been designated for farm use by the letter F
- Persons having a valid Missouri Chauffeur’s License on or before May 13, 1988, are not subject to the medical requirements of Part 391.41

#### **Exceptions to General Applicability**

Transportation provided by federal, state, and local governments are exempt from Part 390-397; however, must comply with Part 40, Part 382 (Drug and Alcohol) and Part 383 (CDL) requirements of the FMCSRs. Occasional transportation of personal property by individuals for non-commercial purposes, school bus operations, and transportation of human corpses, or sick and injured people are also exempt.

## **Accident Register**

**Accident:** An occurrence involving a commercial motor vehicle operating on a public road that results in at least one of the following:

- A fatality
- Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident
- Disabling damage to one or more motor vehicles, requiring the vehicle(s) to be towed or otherwise transported from the scene by a tow truck or other vehicle

**Accident Register:** For accidents that occur after April 29, 2003, motor carriers *must maintain* an accident register for three years after the date of each accident, containing the following information:

A list of accidents as defined in 390.5, containing for each accident:

- Date and place of accident
- Driver's name
- Number of injuries and fatalities
- Hazardous materials (other than fuel) released, if any

Copies of all accident reports required by State or other governmental entities or insurers

## **Vehicle Identification (Markings)**

Every commercial motor vehicle operated by a motor carrier in interstate commerce must be marked, on BOTH sides of the vehicle, with the following:

- The motor carrier's legal name or trade name
- The motor carrier's identification number preceded by "US DOT"
- If the name of any person other than the operating carrier appears on the CMV, the name of the operating carrier must be followed by the same information as above and preceded by the words "operated by"

Every commercial motor vehicle operated by a motor carrier totally in intrastate commerce must be marked, on BOTH sides of the vehicle, with the same information as provided above except that:

- The motor carrier's identification number preceded by "US DOT", then the letters "MO" shall be included in the vehicle markings, immediately following the carrier's USDOT number. For example: "USDOT 654321 MO".

## **Relief from Regulations during Emergencies**

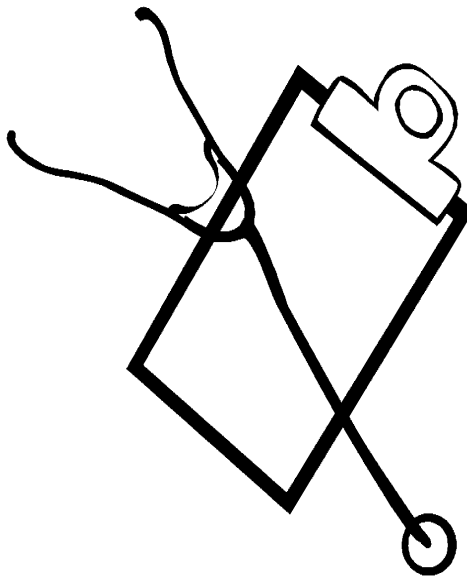
Relief from Parts 390-399 of the FMCSRs may be granted during declared emergencies to any motor carrier who provides emergency assistance.

[illegible][illegible]



# **PART 391**

## **Qualification of Drivers**



## **Part 391**

### **Qualification of Drivers**

Motor carriers must assure that all drivers of commercial motor vehicles meet the minimum qualifications specified in Part 391.

#### **Driver Requirements**

A driver must meet the following requirements:

- Be at least 18 years of age for intrastate commerce and 21 years of age for interstate commerce. Must be 21 years of age in both interstate and intrastate commerce to transport hazardous materials
- Speak and read English well enough to converse with the general public, understand highway traffic signs and signals, respond to official questions, and be able to make legible entries on reports and records
- Be able to drive the vehicle safely
- Know how to safely load and properly block, brace, and secure the cargo
- Have only one valid commercial motor vehicle operator's license
- Provide an employing motor carrier with a list of all motor vehicle violations or a signed statement that the driver has not been convicted of any motor vehicle violations during the past 12 months. A disqualified driver must not be allowed to drive a commercial motor vehicle for any reason.
- Pass a driver's road test or equivalent
- Complete an application for employment
- Possess a valid medical certificate (*unless grandfathered in intrastate commerce 5/13/88*)
  - \* Some individuals with certain physical impairments may apply for a Medical Exemption, or Certificate (See: Medical Program, Page 117)

## **Examples of physical requirements**

(Section 391.41 provides the complete list of physical requirements)

- Has no loss of a foot, a leg, a hand, or an arm
- Has no established medical history or clinical diagnosis of diabetes requiring insulin for control
- Has no clinical diagnosis of any disqualifying heart disease
- Has no clinical diagnosis of high blood pressure
- Has no clinical diagnosis of epilepsy
- Has 20/40 vision or better with corrected lenses
- Has distant binocular acuity of at least 20/40 in both eyes
- Has the ability to recognize the colors (red, green and amber) of traffic signals
- Has hearing to perceive a forced whisper
- Has no history of drug use or any other substance identified in 21 CFR 1308.11 *Schedule I*
- Has no clinical diagnosis of alcoholism

## **Exemptions**

There are provisions for an exemption to a disqualification for certain physical defects if the individual is otherwise qualified to drive.

(See: Medical Program, Page 117)

## **Additional instructions for medical examination**

Additional instructions for the examining doctor are available from:

**Director, Office of Bus and Truck Standards and Operations**  
**Federal Motor Carrier Safety Administration**  
**400 Seventh Street, S.W. (MC-PS)**  
**Washington, DC 20590**

## **Limited exemptions**

The following specific conditions and types of drivers are exempt from specific record keeping requirements:

*Drivers regularly employed before January 1, 1971* — Drivers who have been regular employees of a motor carrier for a continuous period that began before January 1, 1971 are exempt from:

- Applications for employment
- Road Tests

## **Multiple-employer drivers**

Multiple-employer drivers – If a motor carrier employs a person as a driver on any basis, the motor carrier must have on file the driver's name, social security number, identification number, type issuing state of his/her motor vehicle operator's license, medical certificate, road test and certificate, and controlled substance test results, even if that driver's primary employment is with another carrier.

*Drivers furnished by other motor carriers* – A motor carrier using a driver regularly employed by another motor carrier must have on file a signed written certificate that includes the driver's name and signature, certification of the driver's full qualifications, and expiration date of the driver's medical examiner's certificate.

## **Disqualifying offenses**

A driver is disqualified from operating a commercial motor vehicle on public highways, for the following offenses:

Conviction or forfeiture of bond for the following criminal offenses while driving a commercial motor vehicle:

- Driving a CMV while under the influence of alcohol \*
- Driving a CMV while under the influence of a disqualifying drug or other controlled substance\*
- Having an alcohol concentration of 0.04 or greater while operating a CMV
- Having an alcohol concentration of 0.08 or greater while operating any motor vehicle\*
- Refusing to take an alcohol test as required by a State or jurisdiction under its implied consent laws or regulations as defined in 383.72\*
- Leaving the scene of an accident that involves a CMV\*
- Using a CMV to commit a felony\*
- Driving a CMV when the driver's CDL is revoked, suspended, or canceled, or the driver is disqualified from operating a CMV\*
- Using a CMV to cause a fatality\*
- Using a CMV to commit serious traffic violations\*
- Using a CMV to violate an Out-of-Service Order
- Using a CMV to violate the Railroad-Highway Grade Crossing rule\*

*\* Effective September 30, 2005, CDL license holders will be subject when driving a non-CMV (personal vehicle) to the moving violation standards in 383.51, the same as if they were driving CMV.*

## **Penalties**

A driver convicted of a felony offense for using a CMV for manufacturing, distributing or dispensing a controlled substance is disqualified for life, but may be eligible for reinstatement after ten years.

## **Suspensions for Traffic Violations**

A 60-day, 120-day, 1 year, 3 year and life suspension will be imposed on certain convictions, depending on severity, number of convictions and subsequent convictions. For more information on the types of convictions and disqualification time frames, please reference 383.51.

## Driver Qualification File - Check List

Every motor carrier must have a qualification file for each regularly employed driver. This includes drivers that are required to maintain a CDL license and a Class E license. **Each driver's qualification file shall be retained for as long as a driver is employed by the motor carrier and for three years thereafter.** The file must include:

- **DRIVER'S APPLICATION FOR EMPLOYMENT (391.21)**  
A person will not be allowed to drive a commercial motor vehicle unless he/she has completed and signed an application for employment.
- **INQUIRY TO PREVIOUS EMPLOYERS - 3 YEARS (391.23(a)(2) & (c))**  
An investigation of the driver's safety performance history with DOT regulated employers during the preceding three years. This investigation must be made within 30 days of the date his/her employment begins.
- **INQUIRY TO STATE AGENCIES – 3 YEARS (391.23(a)(1) & (b))**  
The driver's driving record for the preceding three years within first 30 days of hire and annually thereafter.
- **ANNUAL REVIEW OF DRIVING RECORD (391.25)**  
At least once every 12 months, a motor carrier must review the driving record of each driver. A note stating the results of this review shall be included in the Driver's Qualification File.
- **ANNUAL DRIVER'S CERTIFICATION OF VIOLATIONS (391.27)**  
At least once every 12 months, a motor carrier must require each driver that it employs to prepare and furnish it with a list of all violations of motor vehicle traffic laws and ordinances during the previous 12 months. Note: Drivers who have provided information required by Section 383.31 need not repeat that information in this annual list of violations.
- **DRIVER'S ROAD TEST CERTIFICATE OR EQUIVALENT (391.31)**  
A person must not be allowed to drive a commercial motor vehicle until he/she has successfully completed a road test and has been issued a certificate, or a copy of the license or certificate, which the motor carrier accepted as equivalent to the driver's road test pursuant to Section 391.33.
- **MEDICAL EXAMINATIONS (391.43)**  
The driver must pass a medical examination conducted by a licensed health care professional. A driver must be issued a Medical Examiner's Certificate, which must be carried at all times and must be renewed every two years.\*
  - *(Unless grandfathered in intrastate commerce 5/13/88)*
  - Individuals with some physical impairments may qualify for application through the Medical Program, (see Page 117)
- **DRUG & ALCOHOL TESTING (382.301)**  
Drivers operating commercial motor vehicles, which require a commercial driver's license (CDL), are subject to drug and alcohol testing as required by Section 382.
  - Pre-employment drug test results (382.301)
  - Carrier Drug and Alcohol Policy (382.601(d))
  - Previous employer check on drug and alcohol (382.413), (40.25)

COMPANY \_\_\_\_\_ STREET ADDRESS \_\_\_\_\_  
CITY, STATE AND ZIP CODE \_\_\_\_\_  
NAME \_\_\_\_\_  
(FIRST) (MIDDLE) (Maiden Name, if any) (LAST)  
ADDRESS \_\_\_\_\_ HOW LONG? \_\_\_\_\_  
(STREET) (CITY) (STATE & ZIP CODE)  
DATE OF BIRTH \_\_\_\_\_ SOCIAL SECURITY NO. \_\_\_\_\_ HIRE DATE \_\_\_\_\_  
TELEPHONE NUMBER \_\_\_\_\_ E-MAIL ADDRESS \_\_\_\_\_

(STREET)	(CITY)	(STATE & ZIP CODE)	# YEARS
(STREET)	(CITY)	(STATE & ZIP CODE)	# YEARS
(STREET)	(CITY)	(STATE & ZIP CODE)	# YEARS

STATE	LICENSE NO.	TYPE	EXPIRATION DATE

CLASS OF EQUIPMENT	TYPE OF EQUIPMENT (VAN, TANK, FLAT, ETC.)	DATES		APPROX. NO. OF MILES (TOTAL)
		FROM	TO	
STRAIGHT TRUCK				
TRACTOR AND SEMI-TRAILER				
TRACTOR - TWO TRAILERS				
OTHER				

DATES	NATURE OF ACCIDENT (HEAD-ON, REAR-END, UPSET, ETC.)	NUMBER FATALITIES	NUMBER INJURIES	CHEMICAL SPILLS
				YES <input type="checkbox"/> NO <input type="checkbox"/>
				YES <input type="checkbox"/> NO <input type="checkbox"/>
				YES <input type="checkbox"/> NO <input type="checkbox"/>

DATE CONVICTED (month/year)	VIOLATION	STATE OF VIOLATION LOCATION	PENALTY (forfeited bond, collateral and/or points)

If yes, explain

**EMPLOYMENT RECORD**  
**(ATTACH SHEET IF MORE SPACE IS NEEDED)**

Applicants that desire to drive in intrastate/interstate commerce must provide the following information on all employers during the previous three years. You must give the same information for all employers you have driven a commercial motor vehicle for the seven years prior to the initial three years (total of ten years employment record).

**Must list the complete mailing address: street number and name, city, state and zip code.**

LAST EMPLOYER: NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_

POSITION HELD \_\_\_\_\_ FROM \_\_\_\_\_ TO \_\_\_\_\_ SALARY \_\_\_\_\_

REASONS FOR LEAVING \_\_\_\_\_

ANY GAPS IN EMPLOYMENT AND/OR UNEMPLOYMENT MUST BE EXPLAINED. INCLUDE DATES (MONTH/YEAR) AND REASON. \_\_\_\_\_

Were you subject to the Federal Motor Carrier Safety Regulations (FMCSRs) while employed by the previous employer? Yes ☐ No ☐

Was the previous job position designated as a safety sensitive function in any DOT regulated mode, subject to alcohol and controlled substances testing requirements as required by 49 CFR Part 40? Yes ☐ No ☐

SECOND LAST EMPLOYER: NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_

POSITION HELD \_\_\_\_\_ FROM \_\_\_\_\_ TO \_\_\_\_\_ SALARY \_\_\_\_\_

REASONS FOR LEAVING \_\_\_\_\_

ANY GAPS IN EMPLOYMENT AND/OR UNEMPLOYMENT MUST BE EXPLAINED. INCLUDE DATES (MONTH/YEAR) AND REASON. \_\_\_\_\_

Were you subject to the Federal Motor Carrier Safety Regulations (FMCSRs) while employed by the previous employer? Yes ☐ No ☐

Was the previous job position designated as a safety sensitive function in any DOT regulated mode, subject to alcohol and controlled substances testing requirements as required by 49 CFR Part 40? Yes ☐ No ☐

THIRD LAST EMPLOYER: NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_

POSITION HELD \_\_\_\_\_ FROM \_\_\_\_\_ TO \_\_\_\_\_ SALARY \_\_\_\_\_

REASONS FOR LEAVING \_\_\_\_\_

ANY GAPS IN EMPLOYMENT AND/OR UNEMPLOYMENT MUST BE EXPLAINED. INCLUDE DATES (MONTH/YEAR) AND REASON. \_\_\_\_\_

Were you subject to the Federal Motor Carrier Safety Regulations (FMCSRs) while employed by the previous employer? Yes ☐ No ☐

Was the previous job position designated as a safety sensitive function in any DOT regulated mode, subject to alcohol and controlled substances testing requirements as required by 49 CFR Part 40? Yes ☐ No ☐

**TO BE READ AND SIGNED BY APPLICANT**

**I authorize you to make sure investigations and inquiries to my personal, employment, financial or medical history and other related matters as may be necessary in arriving at an employment decision. (Generally, inquiries regarding medical history will be made only if and after a conditional offer of employment has been extended.) I hereby release employers, schools, health care providers and other persons from all liability in responding to inquiries and releasing information in connection with my application.**

In the event of employment, I understand that false or misleading information given in my application or interview(s) may result in discharge. I understand, also, that I am required to abide by all rules and regulations of the Company.

"I understand that information I provide regarding current and/or previous employers may be used, and those employer(s) will be contacted, for the purpose of investigating my safety performance history as required by 49 CFR 391.23(d) and (e). I understand that I have the right to:

- Review information provided by current/previous employers;
- Have errors in the information corrected by previous employers and for those previous employers to re-send the corrected information to the prospective employer; and
- Have a rebuttal statement attached to the alleged erroneous information, if the previous employer(s) and I cannot agree on the accuracy of the information."

\_\_\_\_\_  
DATE

\_\_\_\_\_  
APPLICANT'S SIGNATURE

This certifies that I completed this application, and that all entries on it and information in it are true and complete to the best of my knowledge.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
APPLICANT'S SIGNATURE

Note: A motor carrier may require an applicant to provide information in addition to the information required by the Federal Motor Carrier Safety Regulations.

## SAFETY PERFORMANCE HISTORY RECORDS REQUEST

<b>PART 1:</b>	<b>TO BE COMPLETED BY PROSPECTIVE EMPLOYEE</b>
----------------	--

I, (Print Name) \_\_\_\_\_

First                      M.I.                      Last                      Social Security Number

Hereby authorize: \_\_\_\_\_

Date of Birth \_\_\_\_\_

Previous Employer: \_\_\_\_\_ Email: \_\_\_\_\_

Street: \_\_\_\_\_ Telephone: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_ Fax No.: \_\_\_\_\_

To release and forward the information requested by section 3 of this document concerning my Alcohol and Controlled Substances Testing records within the previous 3 years from \_\_\_\_\_.

(employment application date)

To:                      Prospective Employer: \_\_\_\_\_

Attention: \_\_\_\_\_ Telephone: \_\_\_\_\_

Street: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

In compliance with §40.25(g) and 391.23(h), release of this information must be made in a written form that ensures confidentiality, such as fax, email, or letter.

Prospective employer's fax number: \_\_\_\_\_

Prospective employer's email address: \_\_\_\_\_

Applicant's Signature                      Date

This information is being requested in compliance with §40.25(g) and 391.23.

<b>PART 2:</b>	<b>TO BE COMPLETED BY PREVIOUS EMPLOYER</b>
----------------	---

**ACCIDENT HISTORY**

The applicant named above was employed by us. Yes ☐ No ☐

Employed as \_\_\_\_\_ from (m/y) \_\_\_\_\_ to (m/y) \_\_\_\_\_

1. Did he/she drive motor vehicle for you? Yes ☐ No ☐ If yes, what type? Straight Truck ☐ Tractor-Semitrailer ☐ Bus ☐ Cargo Tank ☐ Doubles/Triples ☐ Other (Specify) \_\_\_\_\_

2. Reason for leaving your employ: Discharged ☐ Resignation ☐ Lay Off ☐ Military Duty ☐

If there is no safety performance history to report, check here ☐, sign below and return.

**ACCIDENTS:** Complete the following for any accidents included on your accident register (§390.15(b)) that involved the applicant in the 3 years prior to the application date shown above, or check ☐ here if there is no accident register data for this driver.

	Date	Location	# Injuries	# Fatalities	Hazmat Spill
1.	_____	_____	_____	_____	_____
2.	_____	_____	_____	_____	_____
3.	_____	_____	_____	_____	_____

Please provide information concerning any other accidents involving the applicant that were reported to government agencies or insurers or retained under internal company policies: \_\_\_\_\_

\_\_\_\_\_

Any other remarks: \_\_\_\_\_

\_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_



**PREVIOUS EMPLOYER – COMPLETE PAGE 2 PART 3**

<b>PART 3:</b>	<b>TO BE COMPLETED BY PREVIOUS EMPLOYER</b>
<b>DRUG AND ALCOHOL HISTORY</b>	
<p>If driver was not subject to Department of Transportation testing requirements while employed by this employer, please check here <input type="checkbox"/>, fill in the dates of employment from _____ to _____, complete bottom of Part 3, sign, and return.</p> <p>Driver was subject to Department of Transportation testing requirements from _____ to _____.</p>	
<ol style="list-style-type: none"> <li>1. Has this person had an alcohol test with the result of 0.04 or higher alcohol concentration? YES <input type="checkbox"/> NO <input type="checkbox"/></li> <li>2. Has this person tested positive or adulterated or substituted a test specimen for controlled substances? YES <input type="checkbox"/> NO <input type="checkbox"/></li> <li>3. Has this person refused to submit to a post-accident, random, reasonable suspicion, or follow-up alcohol or controlled substance test? YES <input type="checkbox"/> NO <input type="checkbox"/></li> <li>4. Has this person committed other violations of Subpart B of Part 382, or Part 40? YES <input type="checkbox"/> NO <input type="checkbox"/></li> <li>5. If this person has violated a DOT drug and alcohol regulation, did this person complete a SAP-prescribed rehabilitation program in your employ, including return-to-duty and follow-up tests? If yes, please send documentation back with this form. YES <input type="checkbox"/> NO <input type="checkbox"/></li> <li>6. For a driver who successfully completed a SAP's rehabilitation referral and remained in your employ, did this driver subsequently have an alcohol test result of 0.04 or greater, a verified positive drug test, or refuse to be tested? YES <input type="checkbox"/> NO <input type="checkbox"/></li> </ol>	
<p>In answering these questions, include any required DOT drug or alcohol testing information obtained from prior previous employers in the previous 3 years prior to the application date shown on page 1.</p> <p>Name: _____</p> <p>Company: _____</p> <p>Street: _____</p> <p>City, State, Zip: _____ Telephone: _____</p> <p>Part 3 Completed by (Signature): _____ Date: _____</p>	

<b>PART 4a:</b>	<b>TO BE COMPLETED BY PROSPECTIVE EMPLOYER</b>
<p>This form was (check one) <input type="checkbox"/> Faxed to previous employer <input type="checkbox"/> Mailed <input type="checkbox"/> Emailed <input type="checkbox"/> Other _____</p> <p>By: _____ Date: _____</p>	

<b>PART 4b:</b>	<b>TO BE COMPLETED BY PROSPECTIVE EMPLOYER</b>
<p>Complete below when information is obtained.</p> <p>Information received from: _____</p> <p>Recorded by: _____ Method: <input type="checkbox"/> Fax <input type="checkbox"/> Mail <input type="checkbox"/> Email <input type="checkbox"/> Telephone</p> <p>Date: _____ <input type="checkbox"/> Other _____</p>	

**INSTRUCTIONS TO COMPLETE THE SAFETY PERFORMANCE HISTORY RECORDS REQUEST**

<p><b>PAGE 1 PART 1:</b> Prospective Employee</p> <ul style="list-style-type: none"> <li>Complete the information required in this section</li> <li>Sign and date</li> <li>Submit to the Prospective Employer</li> </ul> <p><b>PAGE 2 PART 4a:</b> Prospective Employer</p> <ul style="list-style-type: none"> <li>Complete the information</li> <li>Send to Previous Employer</li> </ul> <p><b>PAGE 1 PART 2:</b> Previous Employer</p> <ul style="list-style-type: none"> <li>Complete the information required in this section</li> <li>Sign and date</li> <li>Turn form over to complete SIDE 2 SECTION 3</li> </ul>	<p><b>PAGE 2 PART 3:</b> Previous Employer</p> <ul style="list-style-type: none"> <li>Complete the information required in this section</li> <li>Sign and date</li> <li>Return to Prospective Employer</li> </ul> <p><b>PAGE 2 PART 4b:</b> Prospective Employer</p> <ul style="list-style-type: none"> <li>Record receipt of the information</li> <li>Retain the form</li> </ul>
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## RECORDS REQUEST FOR DRIVER/APPLICANT SAFETY PERFORMANCE HISTORY

This request is made by the driver/applicant in compliance with the Department of Transportation regulations.

**§391.23(i)(2)** Drivers who have previous Department of Transportation regulated employment history in the preceding three years, and wish to review previous employer-provided investigative information must submit a written request to the prospective employer, which may be done at any time, including when applying, or as late as thirty (30) days after being employed or being notified of denial of employment. The prospective employer must provide this information to the applicant within five (5) business days of receiving the written request. If the prospective employer has not yet received the requested information from the previous employer(s), then the five-business-days deadline will begin when the prospective employer receives the requested safety-performance history information. If the driver has not arranged to pick up or receive the requested records within thirty (30) days of the prospective employer making them available, the prospective motor carrier may consider the driver to have waived his/her request to review the records.

<b>PART 1:</b>	<b>COMPLETED BY THE DRIVER/APPLICANT</b>
<b>TO:</b>	Prospective Employer: _____ Street/P.O. Box: _____ City, State, Zip: _____ Telephone # _____
<b>FROM:</b>	Driver/Applicant: _____ Social Security/I.D. # _____ Street: _____ City, State, Zip: _____ Telephone # _____
<p>I am submitting this written request to obtain copies of my Department of Transportation Safety Performance History for the preceding three years. I understand, for records requested from a prospective employer, that I must arrange to pick up or receive the requested records within thirty (30) days of the records being made available or I have waived my request to review the records.</p> <p>This information should be:    <input type="checkbox"/> sent to me at the above address.               <input type="checkbox"/> I will arrange to pick up.</p>	
Driver/Applicant Signature: _____	Date: _____ / _____ / _____ <div style="text-align: center; margin-top: -10px;"> <span style="margin: 0 10px;">M</span> <span style="margin: 0 10px;">D</span> <span style="margin: 0 10px;">Y</span> </div>

<b>PART 2:</b>	<b>COMPLETED BY THE PROSPECTIVE EMPLOYER</b>
<p>The information must be provided to the applicant within five (5) business days of receiving the written request. If the prospective employer has not yet received the requested information form the previous employer(s), then the five-business-days deadline will begin when the prospective employer receives the requested safety performance history information.</p>	
<p><b>Information supplied to:</b></p>	
<p>Name: _____</p>	
<p>Street: _____</p>	
<p>City, State, Zip: _____</p>	
<p>Comments: _____</p> <p>_____</p>	
<p><b>By:</b> _____ Release Date: ____/____/____</p> <p style="text-align: center;">Signature/person providing information      Telephone #      M      D      Y</p>	

**COPY 1 PROSPECTIVE EMPLOYER**

### SAFETY PERFORMANCE HISTORY INFORMATION DRIVER/APPLICANT REBUTTAL

This rebuttal is made by the driver/applicant in compliance with the Department of Transportation regulations.

**§391.23(j)(3)** Drivers wishing to rebut information in records received pursuant to paragraph (i) of this section must send the rebuttal to the previous employer with instructions to include the rebuttal in that driver's safety performance history.

**§391.23(j)(4)** After October 29, 2004, within five business days of receiving a rebuttal from a driver, the previous employer must:

- (i) Forward a copy of the rebuttal to the prospective motor carrier employer;
- (ii) Append the rebuttal to the driver's information in the carrier's appropriate file, to be included as part of the response for any subsequent investigating prospective employers for the duration of the three-year data retention requirements.

<b>PART 1:</b>	<b>COMPLETED BY THE DRIVER/APPLICANT</b>
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**TO:**

Previous Employer:

Street/P.O. Box:

City, State, Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

**FROM:**

Driver/Applicant: \_\_\_\_\_

Social Security #

Street: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_ Telephone No.: \_\_\_\_\_

I have submitted this rebuttal to my previous employer requesting that it be attached to my Safety Performance History and provided to subsequent prospective employers.

Reason for the rebuttal (attach documents as necessary): \_\_\_\_\_

I request that this rebuttal be sent to the attached list of motor carriers.

Driver/Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
M D Y

<b>PART 2:</b>	<b>COMPLETED BY THE PREVIOUS EMPLOYER</b>
----------------	---

Received by:

Signature: \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_  
M D Y

**COPY 1 PREVIOUS EMPLOYER**

**CORRECTION REQUEST  
OF  
ERRONEOUS SAFETY PERFORMANCE HISTORY INFORMATION**

This request is made by the driver/applicant in compliance with the Department of Transportation regulations, §391.23, investigations and inquiries, paragraphs (j)(1) and (2) as printed below.

**§391.23(j)(1)** Driver wishing to request correction of erroneous information in records received pursuant to paragraph (i) of this section must send the request for the correction to the previous employer that provided the records to the prospective employer.

**§391.23(j)(2)** After October 29, 2004, the previous employer must either correct and forward the information to the prospective motor carrier employer, or notify the driver within 15 days of receiving a driver's request to correct the data that it does not agree to correct the data. If the previous employer corrects and forwards the data as requested, that employer must also retain the corrected information as part of the driver's safety performance history record and provide it to subsequent prospective employers when requests for this information are received. If the previous employer corrects the data and forwards it to the prospective motor carrier employer, there is no need to notify the driver.

<b>PART 1:</b>	<b>COMPLETED BY THE DRIVER/APPLICANT</b>
<b>TO:</b>	Prospective Employer: _____ Street/P.O. Box: _____ City, State, Zip: _____ Telephone # _____
<b>FROM:</b>	Driver/Applicant: _____ Social Security/I.D. # _____ Street: _____ City, State, Zip: _____ Telephone # _____
I request correction of erroneous information in my Safety Performance History. Please forward to the following prospective employer: Company Name: _____ Attention: _____ Street: _____ City, State, Zip: _____	
Explanation of desired correction (attach documents as necessary) _____ _____ _____	
Driver/Applicant Signature: _____ Date: ____/____/____ M D Y	
Driver: Retain <b>COPY 4 DRIVER RECORD</b> for your files, Submit copies 1, 2, and 3 to your previous employer.	

<b>PART 2:</b>	<b>COMPLETED BY THE PREVIOUS EMPLOYER</b>
<b>Disposition of the requested information:</b> <input type="checkbox"/> Information was corrected and forwarded to the prospective motor carrier employer. <input type="checkbox"/> The driver was notified on ____/____/____ that the previous employer does not agree to correct the data. <b>Return copy 3 to the driver.</b>	
<b>Information sent to:</b> Company Name: _____ Attention: _____ Street: _____ City, State, Zip: _____	
Comments: _____ _____ _____	
<b>By:</b> _____ Release Date: ____/____/____ Signature/person providing information Telephone # M D Y	

<b>PART 3:</b>	<b>COMPLETED BY THE PROSPECTIVE MOTOR CARRIER EMPLOYER</b>
The corrected information was received on ____/____/____ Prospective Employer: _____ Location: _____ Received by: _____ Signature Title	

**COPY 1 PROSPECTIVE EMPLOYER**

**INQUIRY TO STATE AGENCY FOR  
DRIVER'S RECORD  
391.23**

**Requests to Missouri:**

**Department of Revenue  
Driver Vehicle & Services Bureau  
P.O. Box 200  
Jefferson City, MO 65105-0200  
Phone: 573-751-2730  
Fax: 573-751-7367**

---

(Driver's Name)

---

(Driver's Operator's Lic. No.)

---

(Driver's Social Sec. No.)

**Fees for Driving Record:**

**Check, cash, or money order**

**Price: \$1.25\* per name or \$4.00\* per name for Certified Copy**

**(\*) An additional processing fee may be required**

**\$.50 fax fee for transmitting a Driving Record**

**Dear Sir or Madam:**

**The above listed individual has made application with us for employment as a driver. He/she has indicated that the above operator's license or permit has been issued by your state to him/her and that it is in good standing.**

**In accordance with Section 391.23(a)(1) and (b) of the Federal Motor Carrier Safety Regulations we are required to make inquiry into the driving record during the preceding three years of every state in which an applicant-driver has held a motor vehicle operator's license or permit during those three years.**

**Therefore, please certify to us what the individual's driving record is for the preceding three years, or certify that no driving record exists if that is the case.**

**In the event that this inquiry does not satisfy your requirements for making such inquiries, please send us such forms of yours as are necessary for us to complete our inquiry into the driving record of this individual.**

**Respectfully yours,**

---

Signature of person making inquiry

---

(Printed) Name of person making inquiry

---

Title of person making inquiry

---

Motor Carrier Name

---

**Street                      City                      State                      Zip**

## VIOLATION AND REVIEW RECORD

Driver's Name

(PLEASE PRINT OR TYPE)

### I. CERTIFICATION OF VIOLATIONS

I certify that the following is a true and complete list of traffic violations (other than parking violations) for which I have been convicted or forfeited bond or collateral during the past 12 months.

Date	Offense	Location	TypeVehicle Operated

If no violations are listed above, I certify that I have not been convicted or forfeited bond or collateral on account of any violation required to be listed during the past 12 months.

(DATE OF CERTIFICATION)

(DRIVER'S SIGNATURE)

(MOTOR CARRIER'S NAME)

(MOTOR CARRIER'S ADDRESS)

(REVIEWED BY SIGNATURE)

(TITLE)

### II. REVIEW AND EVALUATION OF DRIVER'S RECORD:

In accordance with Section 391.25, Motor Carrier Safety Regulations, all information pertinent to the above driver's safety of operations, including the list of violations furnished by him in accordance with Section 391.27, has been reviewed for the past 12 months.

Action taken:

(MOTOR CARRIER'S NAME)

(MOTOR CARRIER'S ADDRESS)

(REVIEWED BY: SIGNATURE)

(TITLE)

(DATE)

## DRIVER'S ROAD TEST EXAMINATION

Driver's Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Cell: \_\_\_\_\_

The motor carrier, or a person designated by it, shall give the road test. However, another person must give a driver who is a motor carrier the test. A person who is competent to evaluate and determine whether the person who takes the test has demonstrated that he or she is capable of operating the vehicle and associated equipment that the motor carrier intends to assign shall give the test.

### Rating of Performance

- \_\_\_\_\_ The pre-trip inspection (As required by Sec. 392.7)
- \_\_\_\_\_ Coupling and uncoupling of combination units, if the equipment he or she may drive includes combination units.
- \_\_\_\_\_ Placing the equipment in operation.
- \_\_\_\_\_ Use of vehicle's controls and emergency equipment.
- \_\_\_\_\_ Operating the vehicle in traffic and while passing other vehicles.
- \_\_\_\_\_ Turning the vehicle.
- \_\_\_\_\_ Braking, and slowing the vehicle by means other than braking.
- \_\_\_\_\_ Backing and parking the vehicle.
- \_\_\_\_\_ Other, Explain: \_\_\_\_\_

\_\_\_\_\_

Type of equipment used in giving test: \_\_\_\_\_

\_\_\_\_\_

Examiner's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## RECORD OF ROAD TEST

Instructions to Evaluator: Check ( ) items which the driver performs satisfactorily, use "X" where performance is unsatisfactory. Any item not evaluated, leave blank.

Driver's Name \_\_\_\_\_ Home Address \_\_\_\_\_

Social Security No. \_\_\_\_\_ License No. \_\_\_\_\_ State \_\_\_\_\_ Class \_\_\_\_\_

Equipment Driven: Truck Tractor \_\_\_\_\_ Trailer(s) \_\_\_\_\_  
(Make & Model) (Body Type & Length of Each)

Length of Test \_\_\_\_\_ Mi. From/In \_\_\_\_\_ To \_\_\_\_\_

Start Time \_\_\_\_\_ Finish Time \_\_\_\_\_ Weather Conditions \_\_\_\_\_

### PART 1 - PRE-TRIP INSPECTION AND EMERGENCY EQUIPMENT

Checks general condition approaching unit \_\_\_\_\_  
Checks fuel, oil, water and for excessive oil on engine \_\_\_\_\_  
Checks around unit - Tires, lights, trailer hook-up,  
brake and light line, doors and inspects for body  
damage \_\_\_\_\_  
Tests steering, brake action, tractor protection valve,  
and parking brake \_\_\_\_\_  
Checks horn, windshield wipers, mirrors, emergency  
equipment; reflectors, flares, fuses, tire chains (if  
necessary), fire equipment \_\_\_\_\_  
Checks instruments for normal readings \_\_\_\_\_  
Checks dashboard warning lights for proper functioning \_\_\_\_\_  
Cleans windshield, windows, mirrors, lights and  
reflectors \_\_\_\_\_  
Reviews and signs previous report \_\_\_\_\_

### PART 2 - COUPLING AND UNCOUPLING

Connects glad hands to trailer to apply trailer brakes  
before coupling \_\_\_\_\_  
Connects glad hands and light line properly \_\_\_\_\_  
Couples without difficulty \_\_\_\_\_  
Raises landing gear fully after coupling \_\_\_\_\_  
Visually checks king pin assembly to be certain of  
proper coupling \_\_\_\_\_  
Checks coupling by applying hand valve or tractor-pro-  
tection valve (trailer air supply valve) and gently  
applying pressure by trying to pull away from trailer \_\_\_\_\_  
Assures himself that surface will support trailer before  
uncoupling \_\_\_\_\_

### PART 3 - PLACING VEHICLE IN MOTION AND USE OF CONTROLS

A. MOTOR  
Places transmission in neutral before starting engine \_\_\_\_\_  
Starts engine without difficulty \_\_\_\_\_  
Checks instruments at regular intervals \_\_\_\_\_  
Maintains proper engine rpm while driving \_\_\_\_\_  
B. BRAKES  
Knows proper use of and checks tractor-protec-  
tion valve (trailer air supply valve) \_\_\_\_\_  
Tests service brakes \_\_\_\_\_  
Builds full air pressure before moving \_\_\_\_\_  
C. CLUTCH AND TRANSMISSION  
Starts unit moving smoothly \_\_\_\_\_  
Uses clutch properly \_\_\_\_\_  
D. LIGHTS (if tested at night)  
Adjusts speed for range of headlights \_\_\_\_\_  
Dims lights when approaching another vehicle or  
following other traffic \_\_\_\_\_

### PART 4 - BACKING AND PARKING

A. BACKING  
Gets out and checks area before backing \_\_\_\_\_  
Understands and utilizes mirrors properly \_\_\_\_\_  
Signals when backing (if appropriate) \_\_\_\_\_  
Avoids backing from blind side \_\_\_\_\_  
B. PARKING (CITY)  
Parks without hitting any other vehicles or station-  
ary objects \_\_\_\_\_  
Parks correct distance from curb \_\_\_\_\_  
Secures unit properly - sets parking brake, trans-  
mission in correct gear, shuts off engine, blocks  
wheels (when necessary) \_\_\_\_\_  
Carefully enters traffic from parked position \_\_\_\_\_  
C. PARKING (ROAD)  
Parks off pavement \_\_\_\_\_  
Secures unit properly \_\_\_\_\_  
Uses emergency warning signal or devices when  
necessary \_\_\_\_\_



**PART 5 - SLOWING AND STOPPING**

- Uses clutch and gears properly \_\_\_\_\_
- Gears down properly before descending hills \_\_\_\_\_
- Starts without rolling back \_\_\_\_\_
- Tests brakes before descending grades \_\_\_\_\_
- Uses brakes properly on grades \_\_\_\_\_
- Makes proper use of mirrors \_\_\_\_\_
- Plans stop far enough in advance to avoid hard braking \_\_\_\_\_
- Stops clear of crosswalks \_\_\_\_\_

**PART 6 - OPERATING IN TRAFFIC, PASSING AND TURNING**

- A. TURNING
  - Signals intention to turn well in advance \_\_\_\_\_
  - Gets into proper lane well in advance of turn \_\_\_\_\_
  - Checks traffic conditions and turns only when intersection is clear \_\_\_\_\_
  - Restricts traffic from passing on right when preparing to complete right hand turn \_\_\_\_\_
  - Completes turn promptly and safely and does not impede other traffic \_\_\_\_\_
- B. TRAFFIC SIGNS AND SIGNALS
  - Plans stop in advance and adjusts speed correctly \_\_\_\_\_
  - Obeys all traffic signals \_\_\_\_\_
  - Comes to a complete stop at all stop signs \_\_\_\_\_
- C. INTERSECTIONS
  - Yields right of way \_\_\_\_\_
  - Checks for cross traffic regardless of traffic controls \_\_\_\_\_
  - Enters all intersections prepared to stop if necessary \_\_\_\_\_
- D. GRADE CROSSINGS
  - Stops at a minimum 15 feet but not more than 50 feet before crossing if stop is necessary \_\_\_\_\_
  - Selects proper gear and does not shift gears while crossing \_\_\_\_\_
  - Knows and understands Federal and State rules governing grade crossings \_\_\_\_\_

- E. PASSING
  - Allows sufficient space ahead for passing \_\_\_\_\_
  - Passes only in safe locations \_\_\_\_\_
  - Signals changing lanes before and after passing \_\_\_\_\_
  - Warns driver ahead of his intention to pass \_\_\_\_\_
  - Passes with sufficient speed differential to minimize obstructing traffic \_\_\_\_\_
  - Returns to right lane promptly but only when safe to do so \_\_\_\_\_
- F. SPEED
  - Observes speed limits \_\_\_\_\_
  - Drives at speed consistent with ability \_\_\_\_\_
  - Adjusts speed properly to road, weather and traffic conditions \_\_\_\_\_
  - Slows down in advance of curves, danger zones and intersections \_\_\_\_\_
  - Maintains constant speed where possible \_\_\_\_\_
- G. COURTESY AND SAFETY
  - Yields right of way \_\_\_\_\_
  - Consistently strives to drive in safe manner \_\_\_\_\_
  - Allows faster traffic to pass \_\_\_\_\_
  - Uses horn only when necessary \_\_\_\_\_

**PART 7 - MISCELLANEOUS**

- A. GENERAL DRIVING ABILITY AND HABITS
  - Consistently alert and attentive \_\_\_\_\_
  - Consistently is aware of changing traffic conditions \_\_\_\_\_
  - Anticipates problems \_\_\_\_\_
  - Performs routine functions without taking eyes from road \_\_\_\_\_
  - Checks instruments regularly while driving \_\_\_\_\_
  - Personal appearance is professional \_\_\_\_\_
  - Remains calm under pressure \_\_\_\_\_
- B. USE OF SPECIAL EQUIPMENT (SPECIFY)
  - \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_

REMARKS:

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GENERAL PERFORMANCE: Satisfactory ☐ Needs Training ☐ Explain: \_\_\_\_\_
 QUALIFIED FOR: Straight Truck ☐ Tractor-Semitrailer ☐ Twin Trailers ☐ Other Combination ☐  
 Special Equipment \_\_\_\_\_

(SPECIFY)

Date \_\_\_\_\_

SIGNATURE OF EXAMINER \_\_\_\_\_

## CERTIFICATION OF ROAD TEST

Driver's Name \_\_\_\_\_

\_\_\_\_\_  
(Social Security Number)                      (Operators or Chauffeurs License Number)                      (State)

Type of Power Unit \_\_\_\_\_ Type of Trailer(s) \_\_\_\_\_

If passenger carrier, type of bus \_\_\_\_\_

This is to certify that the above named driver was given a road test under my supervision on \_\_\_\_\_, 20\_\_\_\_ consisting of approximately \_\_\_\_\_ miles of driving.

It is my considered opinion that this driver possesses sufficient driving skill to operate safely the type of commercial motor vehicle listed above.

\_\_\_\_\_  
(Signature of Examiner)                      (Title)

\_\_\_\_\_  
(Organization and Address of Examiner)

## EQUIVALENT OF ROAD TEST FOR CDL DRIVERS

### **§391.33 Equivalent of road test.**

- a) In place of, and as equivalent to, the road test required by §391.31, a person who seeks to drive a motor vehicle may present, and a motor carrier may accept -
  - 1) A valid operator's license which has been issued to him by a State that licenses drivers to operate specific categories of motor vehicles and which, under the laws of that State, licenses him after successful completion of a road test in a motor vehicle of the type the motor carrier intends to assign to him; or
  - 2) A copy of a valid certificate of driver's road test issued to him pursuant to §391.31 within the preceding 3 years.
- b) If a driver presents, and a motor carrier accepts, a license or certificate as equivalent to the road test, the motor carrier shall retain a legible copy of the license or certificate in its files as part of the driver's qualification file.
- c) A motor carrier may require any person who presents a license or certificate as equivalent to the road test to take a road test or any other test of his driving skill as a condition to his employment as a driver.

**MEDICAL EXAMINATION REPORT  
FOR COMMERCIAL DRIVER FITNESS DETERMINATION**

The Motor Carrier Services Division, in an effort to assist commercial motor vehicle drivers, has included a Medical Examination Report Form in this compliance Manual. Every commercial motor vehicle driver whose medical examination comes due must use a medical examination report that complies with the format requirements.

There are several medical examination report formats available from various form suppliers. The enclosed Medical Examination Report is a 3-page form published by J.J. Keller & Associates, Inc. The Missouri Department of Transportation (MoDOT), Motor Carrier Services Division has obtained authorization from J.J. Keller & Associates, Inc. to include their version of the medical examination report in our Compliance Manual. Although MoDOT has included their form as an example of how to achieve compliance, the Department does not endorse J.J. Keller & Associates, Inc. products.

# Medical Examination Report FOR COMMERCIAL DRIVER FITNESS DETERMINATION

649-F (6045)

1. DRIVER'S INFORMATION					
Driver's Name (Last, First, Middle)		Social Security No.		Birthdate M / D / Y	Age Sex <input type="checkbox"/> M <input type="checkbox"/> F
Address		City, State, Zip Code	Work Tel: ( )	Home Tel: ( )	Driver License No.
					License Class <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> Other
					Date of Exam
2. HEALTH HISTORY					
Driver completes this section, but medical examiner is encouraged to discuss with driver.					
<p>Yes No</p> <p><input type="checkbox"/> <input type="checkbox"/> Any illness or injury in the last 5 years?</p> <p><input type="checkbox"/> <input type="checkbox"/> Head/Brain injuries, disorders or illnesses</p> <p><input type="checkbox"/> <input type="checkbox"/> Seizures, epilepsy</p> <p><input type="checkbox"/> <input type="checkbox"/> medication</p> <p><input type="checkbox"/> <input type="checkbox"/> Eye disorders or impaired vision (except corrective lenses)</p> <p><input type="checkbox"/> <input type="checkbox"/> Ear disorders, loss of hearing or balance</p> <p><input type="checkbox"/> <input type="checkbox"/> Heart disease or heart attack; other cardiovascular condition</p> <p><input type="checkbox"/> <input type="checkbox"/> medication</p> <p><input type="checkbox"/> <input type="checkbox"/> Heart surgery (valve replacement/bypass, angioplasty, pacemaker)</p> <p><input type="checkbox"/> <input type="checkbox"/> High blood pressure</p> <p><input type="checkbox"/> <input type="checkbox"/> Muscular disease</p> <p><input type="checkbox"/> <input type="checkbox"/> Shortness of breath</p>		<p>Yes No</p> <p><input type="checkbox"/> <input type="checkbox"/> Lung disease, emphysema, asthma, chronic bronchitis</p> <p><input type="checkbox"/> <input type="checkbox"/> Kidney disease, dialysis</p> <p><input type="checkbox"/> <input type="checkbox"/> Liver disease</p> <p><input type="checkbox"/> <input type="checkbox"/> Digestive problems</p> <p><input type="checkbox"/> <input type="checkbox"/> Diabetes or elevated blood sugar controlled by:</p> <p><input type="checkbox"/> <input type="checkbox"/> diet</p> <p><input type="checkbox"/> <input type="checkbox"/> pills</p> <p><input type="checkbox"/> <input type="checkbox"/> insulin</p> <p><input type="checkbox"/> <input type="checkbox"/> Nervous or psychiatric disorders, e.g., severe depression</p> <p><input type="checkbox"/> <input type="checkbox"/> medication</p> <p><input type="checkbox"/> <input type="checkbox"/> Loss of, or altered consciousness</p>		<p>Yes No</p> <p><input type="checkbox"/> <input type="checkbox"/> Fainting, dizziness</p> <p><input type="checkbox"/> <input type="checkbox"/> Sleep disorders, pauses in breathing while asleep, daytime sleepiness, loud snoring</p> <p><input type="checkbox"/> <input type="checkbox"/> Stroke or paralysis</p> <p><input type="checkbox"/> <input type="checkbox"/> Missing or impaired hand, arm, foot, leg, finger, toe</p> <p><input type="checkbox"/> <input type="checkbox"/> Spinal injury or disease</p> <p><input type="checkbox"/> <input type="checkbox"/> Chronic low back pain</p> <p><input type="checkbox"/> <input type="checkbox"/> Regular, frequent alcohol use</p> <p><input type="checkbox"/> <input type="checkbox"/> Narcotic or habit forming drug use</p>	
For any YES answer, indicate onset date, diagnosis, treating physician's name and address, and any current limitation. List all medications (including over-the-counter medications) used regularly or recently.					

I certify that the above information is complete and true. I understand that inaccurate, false or missing information may invalidate the examination and my Medical Examiner's Certificate.

Driver's Signature

Date

**Medical Examiner's Comments on Health History** (The medical examiner must review and discuss with the driver any "yes" answers and potential hazards of medications, including over-the-counter medications, while driving. This discussion must be documented below. )

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# TESTING (Medical Examiner completes Section 3 through 7) Name: Last, First, Middle,

3. **VISION** Standard: At least 20/40 acuity (Snellen) in each eye with or without correction. At least 70 degrees peripheral in horizontal meridian measured in each eye. The use of corrective lenses should be noted on the Medical Examiner's Certificate.

**INSTRUCTIONS:** When other than the Snellen chart is used, give test results in Snellen-comparable values. In recording distance vision, use 20 feet as normal. Report visual acuity as a ratio with 20 as numerator and the smallest type read at 20 feet as denominator. If the applicant wears corrective lenses, these should be worn while visual acuity is being tested. If the driver habitually wears contact lenses, or intends to do so while driving, sufficient evidence of good tolerance and adaptation to their use must be obvious. **Monocular drivers are not qualified.**

**Numerical readings must be provided.**

ACUITY	UNCORRECTED	CORRECTED	HORIZONTAL FIELD OF VISION
Right Eye	20/	20/	Right Eye <input type="radio"/>
Left Eye	20/	20/	Left Eye <input type="radio"/>
Both Eyes	20/	20/	

Applicant can recognize and distinguish among traffic control signals and devices showing standard red, green, and amber colors? ☐ Yes ☐ No

Applicant meets visual acuity requirement only when wearing: ☐ Corrective Lenses

Monocular Vision: ☐ Yes ☐ No

Complete next line only if vision testing is done by an ophthalmologist or optometrist

Date of Examination Name of Ophthalmologist or Optometrist (print) Tel. No. License No./ State of Issue Signature

4. **HEARING** Standard: a) Must first perceive forced whispered voice  $\geq 5$  ft., with or without hearing aid, or b) average hearing loss in better ear  $\leq 40$  dB ☐ Check if hearing aid used for tests. ☐ Check if hearing aid required to meet standard.

**INSTRUCTIONS:** To convert audiometric test results from ISO to ANSI, -14 dB from ISO for 500Hz, -10dB for 1,000 Hz, -8.5 dB for 2000 Hz. To average, add the readings for 3 frequencies tested and divide by 3.

**Numerical readings must be recorded.**

a) Record distance from individual at which forced whispered voice can first be heard. Right ear \ Feet Left Ear \ Feet

b) If audiometer is used, record hearing loss in decibels. (acc. to ANSI Z24.5-1951)		Right Ear		Left Ear	
		500 Hz	1000 Hz	2000 Hz	500 Hz
		Average:		Average:	

5. **BLOOD PRESSURE/ PULSE RATE** Numerical readings must be recorded. Medical Examiner should take at least two readings to confirm BP.

Blood Pressure	Systolic	Diastolic
Driver qualified if $\leq 140/90$ .		
Pulse Rate: <input type="checkbox"/> Regular <input type="checkbox"/> Irregular		
Record Pulse Rate: _____		

Reading	Category	Expiration Date	Recertification
140-159/90-99	Stage 1	1 year	1 year if $\leq 140/90$ . One-time certificate for 3 months if 141-159/91-99.
160-179/100-109	Stage 2	One-time certificate for 3 months.	1 year from date of exam if $\leq 140/90$
$\geq 180/110$	Stage 3	6 months from date of exam if $\leq 140/90$	6 months if $\leq 140/90$

6. **LABORATORY AND OTHER TEST FINDINGS** Numerical readings must be recorded.

URINE SPECIMEN	SP. GR.	PROTEIN	BLOOD	SUGAR
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Urinalysis is required. Protein, blood or sugar in the urine may be an indication for further testing to rule out any underlying medical problem. Other Testing (Describe and record)

**7. PHYSICAL EXAMINATION**

Height: \_\_\_\_\_ (in.) Weight: \_\_\_\_\_ (lbs.)

Name: Last, \_\_\_\_\_

First, \_\_\_\_\_

Middle, \_\_\_\_\_

The presence of a certain condition may not necessarily disqualify a driver, particularly if the condition is controlled adequately, is not likely to worsen or is readily amenable to treatment. Even if a condition does not disqualify a driver, the medical examiner may consider deferring the driver temporarily. Also, the driver should be advised to take the necessary steps to correct the condition as soon as possible particularly if the condition, if neglected, could result in more serious illness that might affect driving.

Check YES if there are any abnormalities. Check NO if the body system is normal. Discuss any YES answers in detail in the space below, and indicate whether it would affect the driver's ability to operate a commercial motor vehicle safely. Enter applicable item number before each comment. If organic disease is present, note that it has been compensated for. See *Instructions to the Medical Examiner* for guidance.

BODY SYSTEM	CHECK FOR:	YES*	NO	BODY SYSTEM	CHECK FOR:	YES*	NO
1. General Appearance	Marked overweight, tremor, signs of alcoholism, problem drinking, or drug abuse.			7. Abdomen and Viscera	Enlarged liver, enlarged spleen, masses, bruits, hernia, significant abdominal wall muscle weakness.		
2. Eyes	Pupillary equality, reaction to light, accommodation, ocular motility, ocular muscle imbalance, extraocular movement, nystagmus, exophthalmos. Ask about retinopathy, cataracts, aphakia, glaucoma, macular degeneration and refer to a specialist if appropriate.			8. Vascular System	Abnormal pulse and amplitude, carotid or arterial bruits, varicose veins.		
3. Ears	Scarring of tympanic membrane, occlusion of external canal, perforated eardrums.			9. Genito-urinary System	Hernias.		
4. Mouth and Throat	Irremediable deformities likely to interfere with breathing or swallowing.			10. Extremities- Limb impaired. Driver may be subject to SPE certificate if otherwise qualified.	Loss or impairment of leg, foot, toe, arm, hand, finger, Perceptible limp, deformities, atrophy, weakness, paralysis, clubbing, edema, hypotonia. Insufficient grasp and prehension in upper limb to maintain steering wheel grip. Insufficient mobility and strength in lower limb to operate pedals properly.		
5. Heart	Murmurs, extra sounds, enlarged heart, pacemaker, implantable defibrillator.			11. Spine, other musculoskeletal	Previous surgery, deformities, limitation of motion, tenderness.		
6. Lungs and chest, not including breast examination	Abnormal chest wall expansion, abnormal respiratory rate, abnormal breath sounds including wheezes or alveolar rales, impaired respiratory function, cyanosis. Abnormal findings on physical exam may require further testing such as pulmonary tests and/ or xray of chest.			12. Neurological	Impaired equilibrium, coordination or speech pattern; asymmetric deep tendon reflexes, sensory or positional abnormalities, abnormal patellar and Babinski's reflexes, ataxia.		

**\*COMMENTS:**

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**Note certification status here. See Instructions to the Medical Examiner for guidance.**

- ☐ Meets standards in 49 CFR 391.41; qualifies for 2 year certificate  
☐ Does not meet standards  
☐ Meets standards, but periodic monitoring required due to \_\_\_\_\_  
Driver qualified only for: ☐ 3 months ☐ 6 months ☐ 1 year ☐ Other

Temporarily disqualified due to (condition or medication): \_\_\_\_\_

Return to medical examiner's office for follow up on \_\_\_\_\_

- ☐ Wearing corrective lenses  
☐ Wearing hearing aid  
☐ Accompanied by a \_\_\_\_\_ waiver/ exemption. Driver must present exemption at time of certification.  
☐ Skill Performance Evaluation (SPE) Certificate  
☐ Driving within an exempt intracity zone (See 49 CFR 391.62)  
☐ Qualified by operation of 49 CFR 391.64

Medical Examiner's signature \_\_\_\_\_  
Medical Examiner's name \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone Number \_\_\_\_\_

If meets standards, complete a **Medical Examiner's Certificate** as stated in 49 CFR 391.43(h). (Driver must carry certificate when operating a commercial vehicle.)

## 49 CFR 391.41 Physical Qualifications for Drivers

### THE DRIVER'S ROLE

Responsibilities, work schedules, physical and emotional demands, and lifestyles among commercial drivers vary by the type of driving that they do. Some of the main types of drivers include the following: turn around or short relay (drivers return to their home base each evening); long relay (drivers drive 9-11 hours and then have at least a 10-hour off-duty period), straight through haul (cross country drivers); and team drivers (drivers share the driving by alternating their 5-hour driving periods and 5-hour rest periods.)

The following factors may be involved in a driver's performance of duties: abrupt schedule changes and rotating work schedules, which may result in irregular sleep patterns and a driver beginning a trip in a fatigued condition; long hours; extended time away from family and friends, which may result in lack of social support; tight pickup and delivery schedules, with irregularity in work, rest, and eating patterns, adverse road, weather and traffic conditions, which may cause delays and lead to hurriedly loading or unloading cargo in order to compensate for the lost time; and environmental conditions such as excessive vibration, noise, and extremes in temperature. Transporting passengers or hazardous materials may add to the demands on the commercial driver.

There may be duties in addition to the driving task for which a driver is responsible and needs to be fit. Some of these responsibilities are: coupling and uncoupling trailer(s) from the tractor, loading and unloading trailer(s) (sometimes a driver may lift a heavy load or unload as much as 50,000 lbs. of freight after sitting for a long period of time without any stretching period); inspecting the operating condition of tractor and/or trailer(s) before, during and after delivery of cargo; lifting, installing, and removing heavy tire chains; and, lifting heavy tarpaulins to cover open top trailers. The above tasks demand agility, the ability to bend and stoop, the ability to maintain a crouching position to inspect the underside of the vehicle; frequent entering and exiting of the cab, and the ability to climb ladders on the tractor and/or trailer(s).

In addition, a driver must have the perceptual skills to monitor a sometimes complex driving situation, the judgment skills to make quick decisions, when necessary, and the manipulative skills to control an oversize steering wheel, shift gears using a manual transmission, and maneuver a vehicle in crowded areas.

### \$391.45 PHYSICAL QUALIFICATIONS FOR DRIVERS

(a) A person shall not drive a commercial motor vehicle unless he is physically qualified to do so and, except as provided in §391.67, has on his person the original, or a photographic copy, of a medical examiner's certificate that he is physically qualified to drive a commercial motor vehicle.

(b) A person is physically qualified to drive a motor vehicle if that person:

(1) Has no loss of a foot, a leg, a hand, or an arm, or has been granted a Skill Performance Evaluation (SPE) Certificate (formerly Limb Waiver Program) pursuant to §391.49.

(2) Has no impairment of: (i) A hand or finger which interferes with prehension or power grasping; or (ii) An arm, foot, or leg which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or any other significant limb defect or limitation which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or has been granted a SPE Certificate pursuant to §391.49.

(3) Has no established medical history or clinical diagnosis of diabetes mellitus requiring insulin for control;

(4) Has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure.

(5) Has no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with his ability to control and drive a commercial motor vehicle safely.

(6) Has no current clinical diagnosis of high blood pressure likely to interfere with his ability to operate a commercial motor vehicle safely.

(7) Has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular, or vascular disease which interferes with his ability to control and operate a commercial motor vehicle safely.

(8) Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a commercial motor vehicle;

(9) Has no mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with his ability to drive a commercial motor vehicle safely;

(10) Has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70 degrees in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green and amber.

(11) First perceives a forced whispered voice in the better ear not less than 5 feet with or without the use of a hearing aid, or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz and 2,000 Hz with or without a hearing device when the audiometric device is calibrated to the American National Standard (formerly ASA Standard) Z24.5-1951;

(12) (i) Does not use a controlled substance identified in 21 CFR 1308.11 Schedule I, an amphetamine, a narcotic, or any other habit-forming drug. (ii) Exception: A driver may use such a substance or drug, if the substance or drug is prescribed by a licensed medical practitioner who: (A) Is familiar with the driver's medical history and assigned duties; and (B) Has advised the driver that the prescribed substance or drug will not adversely affect the driver's ability to safely operate a commercial motor vehicle; and (13) Has no current clinical diagnosis of alcoholism.

# INSTRUCTIONS TO THE MEDICAL EXAMINER

## General Information

The purpose of this examination is to determine a driver's physical qualification to operate a commercial motor vehicle (CMV) in interstate commerce according to the requirements in 49 CFR 391.41-49. Therefore, the medical examiner must be knowledgeable of these requirements and guidelines developed by the FMCSA to assist the medical examiner in making the qualification determination. The medical examiner should be familiar with the driver's responsibilities and work environment and is referred to the section on the form, **The Driver's Role**.

In addition to reviewing the **Health History** section with the driver and conducting the physical examination, the medical examiner should discuss common prescriptions and over-the-counter medications relative to the side effects and hazards of these medications while driving. Educate the driver to read warning labels on all medications. History of certain conditions may be cause for rejection, particularly if required by regulation, or may indicate the need for additional laboratory tests or more stringent examination perhaps by a medical specialist. These decisions are usually made by the medical examiner in light of the driver's job responsibilities, work schedule and potential for the conditions to render the driver unsafe.

Medical conditions should be recorded even if they are not cause for denial, and they should be discussed with the driver to encourage appropriate remedial care. This advice is especially needed when a condition, if neglected, could develop into a serious illness that could affect driving.

If the medical examiner determines that the driver is fit to drive and is also able to perform non-driving responsibilities as may be required, the medical examiner signs the medical certificate which the driver must carry with his/her license. The certificate must be dated. **Under current regulations, the certificate is valid for two years, unless the driver has a medical condition that does not prohibit driving but does require more frequent monitoring.** In such situations, the medical certificate should be issued for a shorter length of time. The physical examination should be done carefully and at least as complete as is indicated by the attached form. Contact the FMCSA at (202) 366-1790 for further information (a vision exemption, qualifying drivers under 49 CFR 391.64, etc.).

## Interpretation of Medical Standards

Since the issuance of the regulations for physical qualifications of commercial drivers, the Federal Motor Carrier Safety Administration (FMCSA) has published recommendations called Advisory Criteria to help medical examiners in determining whether a driver meets the physical qualifications for commercial driving. These recommendations have been condensed to provide information to medical examiners that (1) is directly relevant to the physical examination and (2) is not already included in the medical examination form. The specific regulation is printed in italics and it's reference by section is highlighted.

## Federal Motor Carrier Safety Regulations -Advisory Criteria-

### Loss of Limb:

#### §391.41(b)(1)

A person is physically qualified to drive a commercial motor vehicle if that person:  
*Has no loss of a foot, leg, hand or an arm, or has been granted a Skill Performance Evaluation (SPE) Certificate pursuant to Section 391.49.*

### Limb Impairment:

#### §391.41(b)(2)

A person is physically qualified to drive a commercial motor vehicle if that person:  
*Has no impairment of: (i) A hand or finger which interferes with prehension or power grasping; or (ii) An arm, foot, or leg which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or (iii) Any other significant limb defect or limitation which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or (iv) Has been granted a Skill Performance Evaluation (SPE) Certificate pursuant to Section 391.49.*

A person who suffers loss of a foot, leg, hand or arm or whose limb impairment in any way interferes with the safe performance of normal tasks associated with operating a commercial motor vehicle is subject to the Skill Performance Evaluation Certification Program pursuant to section 391.49, assuming the person is otherwise qualified.

With the advancement of technology, medical aids and equipment modifications have been developed to compensate for certain disabilities. The SPE Certification Program (formerly the Limb Waiver Program) was designed to allow persons with the loss of a foot or limb or with functional impairment to qualify under the Federal Motor Carrier Safety Regulations (FMCSRs) by use of prosthetic devices or equipment modifications which enable them to safely operate a commercial motor vehicle. Since there are no medical aids equivalent to the original body or limb, certain risks are still present, and thus restrictions may be included on individual SPE certificates when a State Director for the FMCSA determines they are necessary to be consistent with safety and public interest.

If the driver is found otherwise medically qualified (391.41(b)(3) through (13)), the medical examiner must check on the medical certificate that the driver is qualified only if accompanied by a SPE certificate. The driver and the employing motor carrier are subject to appropriate penalty if the driver operates a motor vehicle in interstate or foreign commerce without a current SPE certificate for his/her physical disability.

### Diabetes

#### §391.41(b)(3)

A person is physically qualified to drive a commercial motor vehicle if that person:

*Has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.*

Diabetes mellitus is a disease which, on occasion, can result in a loss of consciousness or disorientation in time and space. Individuals who require insulin for control have conditions which can get out of control by the use of too much or too little insulin, or food intake not consistent with the insulin dosage. Incapacitation may occur from symptoms of hyperglycemic or hypoglycemic reactions (drowsiness, semiconsciousness, diabetic coma or insulin shock).

The administration of insulin is, within itself, a complicated process requiring insulin, syringe, needle, alcohol sponge and a sterile technique. Factors related to long-haul commercial motor vehicle operations, such as fatigue, lack of sleep, poor diet, emotional conditions, stress, and concomitant illness, compound the dangers. The FMCSA has consistently held that a diabetic who uses insulin for control does not meet the minimum physical requirements of the FMCSRs.

Hypoglycemic drugs, taken orally, are sometimes prescribed for diabetic individuals to help stimulate natural body production of insulin. If the condition can be controlled by the use of oral medication and diet, then an individual may be qualified under the present rule. CMV drivers who do not meet the Federal diabetes standard may call (202) 366-1790 for an application for a diabetes exemption.

(See Conference Report on Diabetic Disorders and Commercial Drivers and Insulin-Using Commercial Motor Vehicle Drivers at:  
<http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

### Cardiovascular Condition

#### §391.41(b)(4)

**A person is physically qualified to drive a commercial motor vehicle if that person:**

*Has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse or congestive cardiac failure.*

The term "has no current clinical diagnosis of" is specifically designed to encompass: "a clinical diagnosis of" (1) a current cardiovascular condition, or (2) a cardiovascular condition which has not fully stabilized regardless of the time limit. The term "known to be



accompanied by" is designed to include a clinical diagnosis of a cardiovascular disease (1) which is accompanied by symptoms of syncope, dyspnea, collapse or congestive cardiac failure; and/or (2) which is likely to cause syncope, dyspnea, collapse or congestive cardiac failure.

It is the intent of the FMCSRs to render unqualified, a driver who has a current cardiovascular disease which is accompanied by and/or likely to cause symptoms of syncope, dyspnea, collapse, or congestive cardiac failure. However, the subjective decision of whether the nature and severity of an individual's condition will likely cause

symptoms of cardiovascular insufficiency is on an individual basis and qualification rests with the medical examiner and the motor carrier. In those cases where there is an occurrence of cardiovascular insufficiency (myocardial infarction, thrombosis, etc.), it is suggested before a driver is certified that he or she have a normal resting and stress electrocardiogram (ECG), no residual complications and no physical limitations, and is taking no medication likely to interfere with safe driving.

Coronary artery bypass surgery and pacemaker implantation are remedial procedures and thus, not unqualifying. Implantable cardioverter defibrillators are disqualifying due to risk of syncope. Coumadin is a medical treatment which can improve the health and safety of the driver and should not, by its use, medically disqualify the commercial driver. The emphasis should be on the underlying medical condition(s) which require treatment and the general health of the driver. The FMCSA should be contacted at (202) 366-1790 for additional recommendations regarding the physical qualification of drivers on coumadin.

(See Cardiovascular Advisory Panel Guidelines for the Medical examination of Commercial Motor Vehicle Drivers at: <http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

### Respiratory Dysfunction

#### **\$391.41(b)(5)**

A person is physically qualified to drive a commercial motor vehicle if that person:

*Has no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with ability to control and drive a commercial motor vehicle safely.*

Since a driver must be alert at all times, any change in his or her mental state is in direct conflict with highway safety. Even the slightest impairment in respiratory function under emergency conditions (when greater oxygen supply is necessary for performance) may be detrimental to safe driving.

There are many conditions that interfere with oxygen exchange and may result in incapacitation, including emphysema, chronic asthma, carcinoma, tuberculosis, chronic bronchitis and sleep apnea. If the medical examiner detects a respiratory dysfunction, that in any way is likely to interfere with the driver's ability to safely control and drive a commercial motor vehicle, the driver must be referred to a specialist for further evaluation and therapy. Anticoagulation therapy for deep vein thrombosis and/or pulmonary thromboembolism is not unqualifying once optimum dose is achieved, provided lower extremity venous examinations remain normal and the treating physician gives a favorable recommendation.

(See Conference on Pulmonary/Respiratory Disorders and Commercial Drivers at: <http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

### Hypertension

#### **\$391.41(b)(6)**

A person is physically qualified to drive a commercial motor vehicle if that person:

*Has no current clinical diagnosis of high blood pressure likely to interfere with ability to operate a commercial motor vehicle safely.*

Hypertension alone is unlikely to cause sudden collapse; however, the likelihood increases when target organ damage, particularly cerebral vascular disease, is present. This regulatory criteria is based on FMCSA's Cardiovascular Advisory Guidelines for the Examination of CMV Drivers, which used the Sixth Report of the Joint National Committee on Detection, Evaluation, and Treatment of High Blood Pressure (1997).

Stage 1 hypertension corresponds to a systolic BP of 140-159 mmHg and/or a diastolic BP of 90-99 mmHg. The driver with a BP in this range is at low risk for hypertension-related acute incapacitation and may be medically certified to drive for a one-year period.

Certification examinations should be done annually thereafter and should be at or less than 140/90. If less than 160/100, certification may be extended one time for 3 months.

A blood pressure of 160-179 systolic and/or 100-109 diastolic is considered Stage 2 hypertension, and the driver is not necessarily unqualified during evaluation and institution of treatment. The driver is given a one time certification of three months to reduce his or her blood pressure to less than or equal to 140/90. A blood pressure in this range is an absolute indication for anti-hypertensive drug therapy. Provided treatment is well tolerated and the driver demonstrates a BP value of 140/90 or less, he or she may be certified for one year from date of the initial exam. The driver is certified annually thereafter.

A blood pressure at or greater than 180 (systolic) and 110 (diastolic) is considered Stage 3, high risk for an acute BP-related event. The driver may not be qualified, even temporarily, until reduced to 140/90 or less and treatment is well tolerated. The driver may be certified for 6 months and biannually (every 6 months) thereafter if at recheck BP is 140/90 or less.

Annual recertification is recommended if the medical examiner does not know the severity of hypertension prior to treatment.

An elevated blood pressure finding should be confirmed by at least two subsequent measurements on different days.

Treatment includes nonpharmacologic and pharmacologic modalities as well as counseling to reduce other risk factors. Most antihypertensive medications also have side effects, the importance of which must be judged on an individual basis. Individuals must be alerted to the hazards of these medications while driving. Side effects of somnolence or syncope are particularly undesirable in commercial drivers.

Secondary hypertension is based on the above stages. Evaluation is warranted if patient is persistently hypertensive

on maximal or near-maximal doses of 2-3 pharmacologic agents. Some causes of secondary hypertension may be amenable to surgical intervention or specific pharmacologic disease.

(See Cardiovascular Advisory Panel Guidelines for the Medical Examination of Commercial Motor Vehicle Drivers at: <http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

### Rheumatic, Arthritic, Orthopedic, Muscular, Neuromuscular or Vascular Disease §391.41(b)(7)

A person is physically qualified to drive a commercial motor vehicle if that person:

*Has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular or vascular disease which interferes with the ability to control and operate a commercial motor vehicle safely.*

Certain diseases are known to have acute episodes of transient muscle weakness, poor muscular coordination (ataxia), abnormal sensations (paresthesia), decreased muscular tone (hypotonia), visual disturbances and pain which may be suddenly incapacitating. With each recurring episode, these symptoms may become more pronounced and remain for longer periods of time. Other diseases have more insidious onsets and display symptoms of muscle wasting (atrophy), swelling and paresthesia which may not suddenly incapacitate a person but may restrict his/her movements and eventually interfere with the ability to safely operate a motor vehicle. In many instances these diseases are degenerative in nature or may result in deterioration of the involved area.

Once the individual has been diagnosed as having a rheumatic, arthritic, orthopedic, muscular, neuromuscular or vascular disease, then he/she has an established history of that disease. The physician, when examining an individual, should consider the following: (1) the nature and severity of the individual's condition (such as sensory loss or loss of strength); (2) the degree of limitation present (such as range of motion); (3) the likelihood of progressive limitation (not always present initially but may manifest itself over time); and (4) the likelihood of sudden incapacitation. If severe functional impairment exists, the driver does not qualify. In cases where more frequent monitoring is required, a certificate for a shorter period of time may be issued. (See Conference on Neurological Disorders and Commercial Drivers at: <http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

## Epilepsy

### \$391.41(b)(8)

A person is physically qualified to drive a commercial motor vehicle if that person:

*Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a motor vehicle.*

Epilepsy is a chronic functional disease characterized by seizures or episodes that occur without warning, resulting in loss of voluntary control which may lead to loss of consciousness and/or seizures. Therefore, the following drivers cannot be qualified: (1) a driver who has a medical history of epilepsy; (2) a driver who has a current clinical diagnosis of epilepsy; or (3) a driver who is taking antiseizure medication.

If an individual has had a sudden episode of a nonepileptic seizure or loss of consciousness of unknown cause which did not require antiseizure medication, the decision as to whether that person's condition will likely cause loss of consciousness or loss of ability to control a motor vehicle is made on an individual basis by the medical examiner in consultation with the treating physician. Before certification is considered, it is suggested that a 6 month waiting period elapse from the time of the episode. Following the waiting period, it is suggested that the individual have a complete neurological examination. If the results of the examination are negative and antiseizure medication is not required, then the driver may be qualified.

In those individual cases where a driver has a seizure or an episode of loss of consciousness that resulted from a known medical condition (e.g., drug reaction, high temperature, acute infectious disease, dehydration or acute metabolic disturbance), certification should be deferred until the driver has fully recovered from that condition and has no existing residual complications, and not taking antiseizure medication.

Drivers with a history of epilepsy/seizures off antiseizure medication and seizure-free for 10 years may be qualified to drive a CMV in interstate commerce. Interstate drivers with a history of a single unprovoked seizure may be qualified to drive a CMV in interstate commerce if seizure-free and off antiseizure medication for a 5-year period or more.

(See Conference on Neurological Disorders and Commercial Drivers at:

<http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

## Mental Disorders

### \$391.41(b)(9)

A person is physically qualified to drive a commercial motor vehicle if that person:

*Has no mental, nervous, organic or functional disease or psychiatric disorder likely to interfere with ability to drive a motor vehicle safely.*

Emotional or adjustment problems contribute directly to an individual's level of memory, reasoning, attention, and judgment. These problems often underlie physical disorders. A variety of functional disorders can cause drowsiness, dizziness, confusion, weakness or paralysis that may lead to incoordination, inattention, loss of functional control and susceptibility to accidents while driving. Physical fatigue, headache, impaired coordination, recurring physical ailments and chronic "ragging" pain may be present to such a degree that certification for commercial driving is inadvisable. Somatic and psychosomatic complaints should be thoroughly examined when determining an individual's overall fitness to drive. Disorders of a periodically incapacitating nature, even in the early stages of development, may warrant disqualification.

Many bus and truck drivers have documented that "nervous trouble" related to neurotic, personality, or emotional or adjustment problems is responsible for a significant fraction of their preventable accidents. The degree to which an individual is able to appreciate, evaluate and adequately respond to environmental strain and emotional stress is critical when assessing an individual's mental alertness and flexibility to cope with the stresses of commercial motor vehicle driving.

When examining the driver, it should be kept in mind that individuals who live under chronic emotional upsets may have deeply ingrained maladaptive or erratic behavior patterns. Excessively antagonistic, instinctive, impulsive, openly aggressive, paranoid or severely depressed behavior greatly interfere with the driver's ability to drive safely. Those individuals who are highly susceptible to frequent states of emotional instability (schizophrenia, affective psychoses, paranoia, anxiety or depressive neuroses) may warrant disqualification. Careful consideration should be given to the side effects and interactions of medications in the overall qualification determination. See Psychiatric Conference Report for specific recommendations on the use of medications and potential hazards for driving.

(See Conference on Psychiatric Disorders and Commercial Drivers at:

<http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

## Vision

### \$391.41(b)(10)

A person is physically qualified to drive a commercial motor vehicle if that person:

*Has distant visual acuity of at least 20/40 (Snellen) in each eye with or without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70 degrees in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber.*

The term "ability to recognize the colors of" is interpreted to mean if a person can recognize and distinguish among traffic control signals and devices showing standard red, green and amber, he or she meets the minimum standard, even though he or she may have some type of color perception deficiency. If certain color perception tests are administered, (such as Ishihara, Pseudoisochromatic, Yarn) and doubtful findings are discovered, a controlled test using signal red, green and amber may be employed to determine the driver's ability to recognize these colors.

Contact lenses are permissible if there is sufficient evidence to indicate that the driver has good tolerance and is well adapted to their use. Use of a contact lens in one eye for distance visual acuity and another lens in the other eye for near vision is not acceptable, nor telescopic lenses acceptable for the driving of commercial motor vehicles.

If an individual meets the criteria by the use of glasses or contact lenses, the following statement shall appear on the Medical Examiner's Certificate: "Qualified only if wearing corrective lenses."

CMV drivers who do not meet the Federal vision standard may call (202) 366-1790 for an application for a vision exemption.

(See Visual Disorders and Commercial Drivers at:

<http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

## Hearing

### \$391.41(b)(11)

A person is physically qualified to drive a commercial motor vehicle if that person:

*First perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid, or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ADA Standard) Z24.5-1951.*

Since the prescribed standard under the FMCSRs is the American Standards Association (ANSI), it may be necessary to convert the audiometric results from the ISO standard to the ANSI standard. Instructions are included on the Medical Examination report form.

If an individual meets the criteria by using a hearing aid, the driver must wear that hearing aid and have it in operation at all times while driving. Also, the driver must be in possession of a spare power source for the hearing aid.

For the whispered voice test, the individual should be stationed at least 5 feet from the examiner with the ear being tested turned toward the examiner. The other ear is covered. Using the breath which remains after a normal expiration, the examiner whispers words or random numbers such as 66, 18,

23, etc. The examiner should not use only sibilants (s sounding materials). The opposite ear should be tested in the same manner. If the individual fails the whispered voice test, the audiometric test should be administered.

If an individual meets the criteria by the use of a hearing aid, the following statement must appear on the Medical Examiner's Certificate "Qualified only when wearing a hearing aid."

(See Hearing Disorders and Commercial Motor Vehicle Drivers at: <http://www.fmcsa.dot.gov/rulesregs/medrpts.htm>)

#### **Drug Use**

##### **\$391.41(b)(12)**

A person is physically qualified to drive a commercial motor vehicle if that person:

*Does not use a controlled substance identified in 21 CFR 1308.11.*

*Schedule I, an amphetamine, a narcotic, or any other habit-forming drug.*

*Exception: A driver may use such a substance or drug, if the substance or drug is prescribed by a licensed medical practitioner who is familiar with the driver's medical history and assigned duties; and has advised the driver that the prescribed substance or drug will not adversely affect the driver's ability to safely operate a commercial motor vehicle.*

This exception does not apply to methadone. The intent of the medical certification process is to medically evaluate a driver to ensure that the driver has no medical condition which interferes with the safe performance of driving tasks on a public road. If a driver uses a Schedule I drug or other substance, an amphetamine, a narcotic, or any other habit-forming drug, it may be cause for the driver to be found medically unqualified.

Motor carriers are encouraged to obtain a practitioner's written statement about the effects on transportation safety of the use of a particular drug.

A test for controlled substances is not required as part of this biennial certification process. The FMCSA or the driver's employer should be contacted directly for information on controlled substances and alcohol testing under Part 382 of the FMCSRs.

The term "uses" is designed to encompass instances of prohibited drug use determined by a physician through established medical means. This may or may not involve body fluid testing. If body fluid testing takes place, positive test results should be confirmed by a second test of greater specificity. The term "habit-forming" is intended to include any drug or medication generally recognized as capable of becoming habitual, and which may impair the user's ability to operate a commercial motor vehicle safely.

The driver is medically unqualified for the duration of the prohibited drug(s) use and until a second examination shows the driver is free from the prohibited drug(s) use. Recertification may involve a substance abuse evaluation, the successful completion of a drug rehabilitation program, and a negative drug test result. Additionally, given that the certification period is normally two years, the examiner has the option to certify for a period of less than 2 years if this examiner determines more frequent monitoring is required.

(See Conference on Neurological Disorders and Commercial Drivers and Conference on Psychiatric Disorders and Commercial Drivers at: <http://www.fmcsa.dot.gov/rulesregs/medrpts.htm>)

#### **Alcoholism**

##### **\$391.41(b)(13)**

A person is physically qualified to drive a commercial motor vehicle if that person:

*Has no current clinical diagnosis of alcoholism.*

The term "current clinical diagnosis of" is specifically designed to encompass a current alcoholic illness or those instances where the individual's physical condition has not fully stabilized, regardless of the time element. If an individual shows signs of having an alcohol-use problem, he or she should be referred to a specialist. After counseling and/or treatment, he or she may be considered for certification.

### MEDICAL EXAMINER'S CERTIFICATE

I certify that I have examined \_\_\_\_\_ In accordance with the Federal Motor Carrier Safety Regulations (49 CFR 391.41-391.49) and with knowledge of the driving duties, I find this person is qualified; and, if applicable, only when:

- |  |  |
|--|--|
| <input type="checkbox"/> wearing corrective lenses               | <input type="checkbox"/> driving within an exempt intracity zone (49 CFR 391.62)         |
| <input type="checkbox"/> wearing hearing aid                     | <input type="checkbox"/> accompanied by a Skill Performance Evaluation Certificate (SPE) |
| <input type="checkbox"/> accompanied by a _____ waiver exemption | <input type="checkbox"/> Qualified by operation of 49 CFR 391.64                         |

The information I have provided regarding this physical examination is true and complete. A complete examination form with any attachment embodies my findings completely and correctly, and is on file in my office.

SIGNATURE OF MEDICAL EXAMINER	TELEPHONE	DATE
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MEDICAL EXAMINER'S NAME (PRINT)	<input type="checkbox"/> MD <input type="checkbox"/> DO <input type="checkbox"/> Chiropractor <input type="checkbox"/> Physician Assistant <input type="checkbox"/> Advanced Practice Nurse
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MEDICAL EXAMINER'S LICENSE OR CERTIFICATE NO./ISSUING STATE
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SIGNATURE OF DRIVER	DRIVER'S LICENSE NO.	STATE
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ADDRESS OF DRIVER
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MEDICAL CERTIFICATE EXPIRATION DATE
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## **MULTIPLE-EMPLOYER DRIVERS**

Instructions: If a motor carrier employs a person as a multiple-employer driver (as defined in CFR 390.5), the motor carrier shall comply with all requirements of Part 391, except the carrier need not-

- (1) Require the person to furnish an application for employment (390.21);
- (2) Make an inquiry into the person's driving record during the preceding three years to the appropriate State agency(s) and an investigation of the person's employment record during the preceding three years (391.23);
- (3) Perform annual driving record inquiry required (391.25(a));
- (4) Perform the annual review of the person's driving record required (391.25(b)); or
- (5) Require the person to furnish a record of violations or a certificate (391.27).

The checklist below may be helpful to ensure that required documents are obtained.

### **MULTIPLE-EMPLOYER DRIVERS**

Name \_\_\_\_\_

Social Security Number \_\_\_\_\_

Driver's License Number \_\_\_\_\_

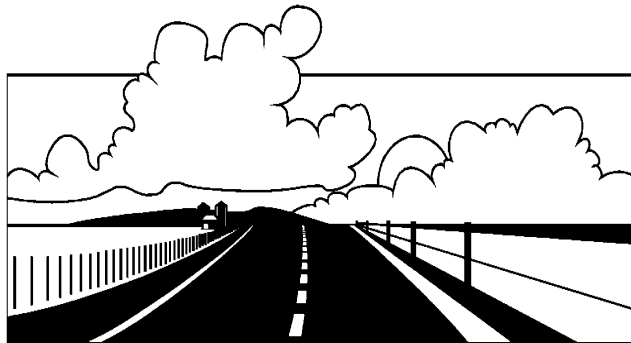
Type of License \_\_\_\_\_ State \_\_\_\_\_

In addition to the above information, copies of the following must be obtained.

- ☐ Medical Examiner's Certificate
- ☐ Road Test (or equivalent)
- ☐ Certificate of Road Test
- ☐ Controlled Substances Test

# **PART 392**

## **Driving of Motor Vehicles**



## **Part 392**

### **Driving of Motor Vehicles**

#### **Illness or Fatigue**

No driver is permitted to operate a motor vehicle when his/her ability and/or alertness is impaired by fatigue, illness, or any other cause that makes it unsafe to begin (or continue) to drive the vehicle.

#### **Drugs**

No driver may be on duty and possess, be under the influence of, or use:

- Any Schedule I drug or other substance listed in 21 CFR 1308.11
- Any amphetamine or formulation of an amphetamine (including pep pills and bennies)
- Narcotics or derivatives
- Any other substance that makes driving unsafe

#### **Alcohol**

A driver is forbidden to consume or be under the influence of alcohol within four hours of going on duty, while on duty, or while driving. A driver is forbidden to possess an alcoholic beverage while on duty, unless it is a manifested part of the shipment.

#### **Safe Loading**

No one may drive or require anyone to drive a commercial motor vehicle unless the cargo is properly loaded and secured.

#### **Railroad Crossing/Stopping**

Motor vehicles transporting hazardous materials, and most buses transporting passengers, are forbidden to cross railroad tracks without first stopping and looking both ways. Additionally, the driver must not shift gears while crossing the track.

#### **Seat Belts**

A driver must not drive before correctly restraining him/herself, if the vehicle is equipped with seat belt assemblies.

#### **Emergency Signals for Stopped Vehicles**

A vehicle stopped upon a highway or shoulder must activate the vehicle's hazard warning flashers at once. The driver must leave the flashers on until warning devices are activated. The flashers must again be used while the warning devices are being picked up before the vehicle moves on.

### **Placement of Warning Devices**

The warning devices must be placed as follows (except where special rules apply):

- One warning device must be placed on the traffic side of the vehicle, within ten feet, in the direction of approaching traffic
- A second device must be placed facing approaching traffic approximately 100 feet away in the center of the lane or shoulder where the vehicle is stopped
- The third device must be placed about 100 feet away from the stopped vehicle, in the direction away from approaching traffic

### **Radar Detectors**

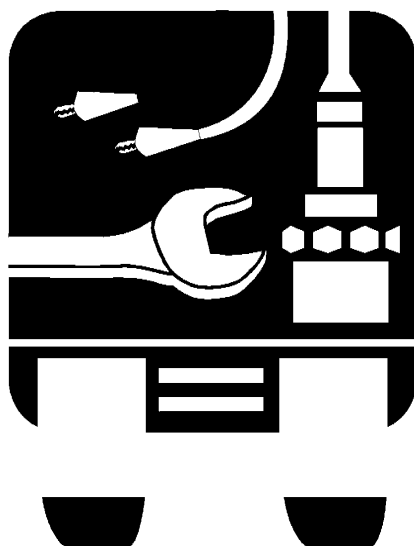
Use of radar detectors is prohibited, including the following:

- Radar detectors shall not be used by a driver in a commercial vehicle
- A driver shall not operate any commercial motor vehicle that is equipped with a radar detector
- Motor carriers shall not require or permit a driver to violate the radar detector provisions



## **PART 393**

### **Parts and Accessories Necessary For Safe Operation**



## **Part 393**

### **Parts and Accessories Necessary for Safe Operation**

Every commercial motor vehicle must be equipped with certain standard equipment. Other (optional) equipment or accessories are permitted only if these items do not decrease the operational safety of the vehicle.

#### **LIGHTS**

##### **What lighting is covered?**

Part 393 specifies the required color, position, and types of lamps and reflectors for commercial motor vehicles. All lamps and reflectors for commercial motor vehicles manufactured after March 7, 1989, must meet the requirements of Federal Motor Vehicle Safety Standard (FMVSS) No. 108 (49 CFR 571.108) in effect on the date of manufacture. Certain trailers manufactured on or after December 1, 1993, must have retro-reflective sheeting or additional reflex reflectors to make them more visible to other motorists at nighttime and under other conditions of reduced visibility. Trailers manufactured before December 1, 1993, must be retrofitted with retro-reflective sheeting or additional reflectors by June 1, 2001.

Lamps and reflectors on commercial motor vehicles manufactured on or prior to March 7, 1989, must meet either the requirements of Part 393 or of FMVSS No. 108 that were in effect on the date of manufacture.

##### **Must be Operable**

All required lamps must light on request at an inspection and must light when required during regular operation of the vehicle.

##### **Lamp Mounting**

All lamps must be permanently and securely mounted on a permanent part of the vehicle. The exceptions are temporary lamps, such as those used in a driveaway-towaway operation or mounted on projecting loads. Temporary lamps must be securely attached.

##### **Stop Lamps**

All stop lamps on a commercial motor vehicle must activate when the service brakes are applied.

##### **Brakes**

Commercial motor vehicles must be equipped with the following brake systems:

- A *service brake system* that meets the requirements of 49 CFR 393.52, which specifies braking and holding performance
- A *parking brake system* that meets the requirements of 49 CFR 393.41, which specifies parking brake activation and the method for holding the brakes in the applied position

## **Brakes on All Wheels**

Every commercial motor vehicle must be equipped with brakes acting on all wheels, with the following exceptions:

- Trucks and truck tractors with three or more axles, manufactured before July 25, 1980, are not required to have steering axle brakes
- Vehicles being towed in a driveaway-towaway operation. (However, the towed vehicle must have brakes in operation if the brakes on the towing vehicle are not capable of stopping the combination vehicle under the conditions covered by Section 393.52)
- Any full trailer, semi-trailer, or pole trailer having a gross weight of 3,000 pounds or less provided the trailer weight does not exceed 40 percent of weight of the towing vehicle

## **Breakaway and Emergency Braking**

Every vehicle used to tow a trailer equipped with brakes must have a means of maintaining the operation of the brakes on the towing vehicle in the event that the trailer breaks away from the towing vehicle. Among the other requirements:

- Every truck or truck tractor equipped with air brakes, when used to tow other vehicles equipped with air brakes, must be capable of activating (manually and automatically) the emergency features of the trailer brakes. The brakes must apply automatically when the towing vehicle air supply pressure is between 20 and 45 psi. The manual control must be operable by the driver from the driver's seat, with seat belt in use
- Every trailer is required to be equipped with brakes that apply automatically if the trailer breaks away from the towing vehicle.\* The brakes must remain in the applied position for at least 15 minutes

\*These requirements do not apply to vehicles in driveaway-towaway operations.

## **Brake Tubing and Hose**

Safe and reliable operation of a vehicle's brakes depends upon adequate protection of the tubing and hoses from mechanical and other damage.

- *Design and construction* of brake tubing and hose must ensure proper, adequate, and continued functioning
- *Installation* must ensure proper functioning of the hose
- *Length and flexibility* must be enough to accommodate all normal motions of the parts to which the hose is attached
- *Protection against mechanical damage* must include protection against chafing, kinking, and mechanical damage
- *Protection from high temperature* must include protection from or located away from exhaust pipes and other sources of high temperatures

## **Brake Warning Devices**

Buses, trucks, and truck tractors must be equipped with a signal that provides a warning to the driver when a failure occurs in the vehicle's service brake system. This signal requirement covers hydraulic brake systems, air brake systems, vacuum brake systems, and hydraulic brakes applied or assisted by air or vacuum.

### **Automatic Brake Adjusters and Brake Adjustment Indicators**

- Each commercial motor vehicle manufactured on or after October 20, 1993, and equipped with a hydraulic brake system, must be equipped with an automatic brake adjustment system that meets the requirements of FMVSS No. 105
- Each commercial motor vehicle manufactured on or after October 20, 1994, and equipped with an air brake system, must be equipped with an automatic brake adjustment system that meets the requirements of FMVSS No. 121
- Air-braked vehicles manufactured on or after October 20, 1994, and equipped with an external automatic adjustment mechanism, must be equipped with an automatic brake adjustment indicator that meets the requirements of FMVSS No. 121

### **Antilock Braking Systems (ABS)**

Certain commercial motor vehicles are required to be equipped with antilock braking systems that meet the requirements of FMVSS No. 105 (49 CFR 571.105) concerning hydraulic brake systems, and FMVSS No. 121 (49 CFR 571.121) concerning air brake systems. The rules apply to:

- Truck-tractors manufactured on or after March 1, 1997
- Air-braked single-unit trucks, buses, and trailers (including converter dollies) manufactured on or after March 1, 1998, and
- Hydraulic-braked trucks and buses manufactured on or after March 1999

### **Windshield Condition**

A vehicle's windshield must be free of discoloration and cracks in the area extending from the top of the steering wheel to within two inches of the top of the windshield.

### **Fuel Systems**

Fuel systems used for the operation of commercial motor vehicles and of auxiliary equipment installed on or used in connection with commercial motor vehicles must meet the following requirements:

Each fuel system must be located so that

- No part of the system extends beyond the widest part of the vehicle
- No part of a fuel tank is forward of the front axle or a power unit
- Fuel spilled vertically from a fuel tank while it is being filled will not contact any part of the exhaust or electrical systems of the vehicle, except the fuel level indicator assembly
- Fill pipe openings are located outside the vehicle's passenger compartment and its cargo compartment
- Fuel lines do not extend between a towed vehicle and the towing unit while the combination is in motion
- No part of the fuel system of a bus manufactured on or after January 1, 1973, is located within or above the passenger compartment

## **Coupling Devices**

Sections 393.70 and 393.71 provide requirements for the attachment and location of the fifth wheel and requirements for the towing of full trailers. In addition, requirements for saddle mount operations are provided.

## **Cargo Securement**

Sections 393.100-393.136 provide the standards covering cargo securement. Cargo is required to be loaded and secured so that it will not shift or fall off the vehicle. The cargo securement regulations include minimum strength requirements for securement devices and requirements for protection against longitudinal and lateral movement of the cargo.

## **Sleeper Berths**

Sleeper berths must meet minimum dimensions. A sleeper berth must not be installed on a trailer and must be located in or adjacent to the cab. An exit door at least 18" high by 36" wide must lead directly into the cab. Section 393.76 contains special provisions for sleeper berths.

Sleeper berths must be equipped with adequate sheets and blankets, and a mattress and springs or innerspring mattress. They must be adequately ventilated, and located so as to protect occupants against exhaust heat and fumes and fuel leaks. A mandatory restraint system must withstand at least 6,000 lbs. of force applied toward the front of the vehicle.

## **Exhaust Systems**

Exhaust systems must meet the following requirements:

- The exhaust system and discharge must be located where it is not likely to burn or damage the electrical wiring, the fuel supply, nor any combustible part of the vehicle
- The discharge from the exhaust system must not be located immediately below the fuel tank or the fuel tank filler pipe
- The exhaust system may not be temporarily repaired with patch or wrap material
- The exhaust pipe and mufflers must be securely fastened to the vehicle
- The exhaust system may not leak or discharge at any point forward of or directly below the driver or sleeper compartment

For trucks and truck tractors, the exhaust system must discharge at a location to the rear of the cab, or above and near the rear of the cab.

For a bus powered by a *gasoline* engine, the exhaust pipe must discharge at a point no farther forward than six inches forward of the rearmost part of the bus.

For a bus powered by *diesel or other fuel* (not gasoline), the exhaust pipe must discharge either:

- At a point no farther forward than 15 inches forward of the rearmost part of the bus or
- To the rear of all doors or windows designed to be open (not including emergency exits)

## **Rear End Protection**

Every commercial motor vehicle must be equipped with either bumpers or other devices that prevent the under ride of another vehicle. Tractors, pole trailers, pulpwood trailers, low chassis vehicles, special purpose vehicles, wheels back vehicles, trailers towed in driveaway-towaway operations, and driveaway-towaway vehicles may be exempt. Certain trailers manufactured on or after January 26, 1998, must have rear impact guards that meet FMVSS Nos. 223 & 224.

## **Seat Belts**

Commercial motor vehicle must be equipped with seats, seat belt assemblies, and seat belt anchorages as specified in the Federal Motor Vehicle Safety Standards (FMVSS).

## **EMERGENCY EQUIPMENT**

Commercial motor vehicles must carry the following emergency equipment:

- Fire extinguisher
- Spare fuses
- Warning devices for stopped vehicles

## **Fire Extinguisher**

Fire extinguishers must be securely mounted and readily accessible for use. Each extinguisher must have a gauge or other indicator that shows whether the extinguisher is fully charged, and a label showing its Underwriters' Laboratories (UL) rating.

The fire extinguisher(s) must meet one of the following standards:

- One extinguisher with a UL rating of 5 B:C or more or
- Two extinguishers each with a UL rating of 4 B:C or more
- One extinguisher with a UL rating of 10 B:C or more, if the vehicle is transporting placardable quantities of hazardous material

## **FRAMES, CAB AND BODY COMPONENTS, WHEELS, STEERING, AND SUSPENSION SYSTEMS**

### **Suspension Systems**

Suspension systems are required to be structurally sound and in safe working order, including the following:

- *Axles* must be in proper alignment, and no positioning part can be cracked, broken, loose, or missing
- *Adjustable axles* must have locking pins in place
- *Leaf springs* must not be cracked, broken, missing, or shifted out of position
- *Coil springs* must not be cracked or broken
- *Torsion bars* must not be cracked or broken
- *Air suspensions* must support the vehicle in a level position, and must not leak

## Steering System

Steering system must be in proper working order, which includes the following:

- *Steering wheel* must be properly secured and no cracked or missing spokes
- *Steering wheel lash* must meet the requirements of Section 393.209 (b)
- *Steering column* must be securely fastened
- *Steering system* must not have worn or welded universal joints, loose steering gear box, missing bolts, or a loose pitman arm on the steering gear output shaft
- *Power steering unit* must not have loose or broken parts, (frayed, cracked, or slipping belts); no leaks; or insufficient fluid in reservoir

## FMCSA'S Conspicuity Requirements for Commercial Motor Vehicles

The FMCSA has regulations requiring the use of conspicuity materials (i.e., retroreflective sheeting (or reflex reflectors)) on trailers and the rear of truck tractors. The rules are intended to reduce the incidence of motorists crashing into the sides or rear of trailers at nighttime and under other conditions of reduced visibility, and to reduce the incidence of motorists rear-ending truck tractors (being operated without trailers) under the same conditions.

There are three separate groups of commercial motor vehicles subject to the FMCSR requirements and the date of manufacture for the vehicle must be known to determine the applicability of the rules to the vehicle. The rules cover:

- Trailers manufactured on or after December 1, 1993;
- The retrofitting of trailers built before that date; and
- Truck tractors built on or after July 1, 1997.

For more information on the Conspicuity Requirements check the Internet at:

<http://www.fmcsa.dot.gov/pdfs/Consp.pdf>

**PART 395**

**Hours of Service Drivers**





## **Part 395**

### **Hours of Service of Drivers**

#### **General Rule**

The hours of service rules apply to all motor carriers and drivers, with exceptions found in paragraphs (b) through (k) of Section 395.1.

#### **On Duty Time**

Means all time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. On duty time shall include:

1. All time at a plant, terminal, facility, or other property of a motor carrier or shipper, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier.
2. All time inspecting, servicing, or conditioning any commercial motor vehicle at any time.
3. All driving time as defined in the term *driving time*.
4. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth.
5. All time loading or unloading a commercial motor vehicle, supervision, or assisting in the loading or unloading, attending a commercial motor vehicle being loaded or unloaded, remaining in readiness to operate the commercial motor vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle.
7. All time spent providing a breath sample or urine specimen, including travel time to and from the collection site, in order to comply with the random, reasonable suspicion, post-accident, or follow-up testing required by part 382 when directed by a motor carrier.
8. Performing any other work in the capacity, employ, or service of a motor carrier; and
9. Performing any compensated work for a person who is not a motor carrier.

#### **Driving Time**

Means all time spent at the driving controls of a commercial motor vehicle in operation.

## **PASSENGER CARRYING VEHICLES**

### **10-Hour Rule**

Drivers are allowed to drive for ten hours following eight consecutive hours off duty.

### **15-Hour Rule**

A motor carrier cannot permit or require a driver to drive after 15 hours are spent on duty following 8 consecutive hours off.

### **60 and 70 Hour Rules**

A motor carrier must not permit or require a driver to drive after a total of:

- 60 hours on duty in 7 consecutive days or
- 70 hours on duty in 8 consecutive days
- If the driver works more than one job of any kind, that time must also be included as on duty time

### **Driver's Record of Duty Status**

Every driver shall prepare a record of duty status (driver's daily log) in his/her own handwriting for each 24-hour period, unless operating under the 100 air-mile radius exemption.

Failure to complete or retain the log, or knowingly falsifying logs or other reports, makes the driver and/or carrier liable to prosecution.

### **100 Air-Mile Radius Exemption**

A driver is exempt from maintaining the driver's daily log requirements of Section 395.8 if all of the following are true:

- The driver operates within a 100 air-mile radius of the normal work reporting location
- The driver returns to the work reporting location and is released from work within 12 consecutive hours
- Each 12 hours on duty are separated by at least 8 consecutive hours of off duty
- The driver does not exceed a maximum of ten hours driving time following eight consecutive hours off duty
- The motor carrier that employs the driver maintains and retains for a period of six months accurate and true time records that show:
  - The total number of hours the driver is on duty each day
  - The time the driver reports for duty each day
  - The time the driver is released from duty each day
  - The total time for the preceding seven days for first-time or intermittent drivers

## **PROPERTY CARRYING VEHICLES**

Motor carriers and drivers must comply beginning on January 4, 2004 with the following:

### **11-Hour Rule**

Drivers are allowed to drive for 11 hours following 10 consecutive hours off duty.

### **14-Hour Rule**

A motor carrier cannot permit or require a driver to drive after 14 hours are spent on duty following 10 consecutive hours off.

### **16 Hour Exemption**

395.1(o) A property-carrying driver is exempt from 395.3(a)(2), *the 14-hour rule*, when:

- The driver returns and is released from his normal work reporting location for the previous 5 duty tours;
- The driver returns to his normal work reporting location and is released within 16 hours; and
- The driver has not used this exemption within the previous 7 consecutive days, *except that the 16-hour provision may be used after any period of being off duty for 34 or more consecutive hours.*

### **60 and 70 Hour Rules**

A motor carrier must not permit or require a driver to drive after a total of:

- 60 hours on duty in 7 consecutive days or
- 70 hours on duty in 8 consecutive days
- If the driver works more than one job of any kind, that time must also be included as on duty time

### **34 Hour Restart Provision**

395.3(c)(1) & (2) allows the driver to restart the 60/70 hour period when:

- Any period of 7 or 8 consecutive days may end with the beginning of any off-duty period of 34 or more consecutive hours

### **Driver's Record of Duty Status**

Every driver shall prepare a record of duty status (driver's daily log) in his/her own handwriting for each 24-hour period, unless operating under the 100 air-mile radius exemption.

Failure to complete or retain the log, or knowingly falsifying logs or other reports, makes the driver and/or carrier liable to prosecution.

### **100 Air-Mile Radius Exemption**

395.1(e) A driver is exempt from maintaining the driver's daily log requirements of Section 395.8 if all of the following are true:

- The driver operates within a 100 air-mile radius of the normal work reporting location
- The driver returns to the work reporting location and is released from duty within 12 consecutive hours
- Each 12 hours on duty are separated by at least 10 consecutive hours of off duty
- The driver does not exceed a maximum of 11 hours driving time following 10 consecutive hours off duty
- The motor carrier that employs the driver maintains and retains for a period of six months accurate and true time records that show:
  - The total number of hours the driver is on duty each day
  - The time the driver reports for duty each day
  - The time the driver is released from duty each day
  - The total time for the preceding seven days for first-time or intermittent drivers

### **Non-CDL 150 Air-Mile Radius Provision**

Operators of property-carrying commercial motor vehicles not requiring a CDL, as defined in Part 383, may be covered by the Non-CDL 150 air-mile radius provision. *Note that the applicability depends on the type of vehicle being driven, not whether the operator possesses a CDL.*

Drivers of Non-CDL vehicles who are operating within 150 air-mile radius of their normal work reporting location and return to their normal work reporting location at the end of their duty tour are now covered by separate HOS provisions.

These drivers are required to comply with the following:

- The 11 hours driving, minimum 10 hours off-duty, 14 consecutive hour duty period, 60/70 hours in 7/8 days, 34-hour restart all applies.
- On any 2 days of every 7 consecutive days, the driver may extend the 14-hour duty period to 16 hours.
- There is no requirement that the driver be released from duty at the end of the 14- or 16-hour duty periods. The driver may continue to perform non-driving duties, which would be counted against the 60/70 hour weekly limitation.
- Time records may be used in lieu of records of duty status.

U.S. DEPARTMENT OF TRANSPORTATION			<b>DRIVER'S DAILY LOG</b> (ONE CALENDAR DAY - 24 HOURS)		ORIGINAL - Submit to carrier within 13 days DUPLICATE - Driver retains possession for eight days																																																																																																																																																									
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Pro or Shipping No. (10) _____ <small>Shipping document, manifest number, or name of a shipper and commodity. Information required by Section 395.8(o).            Check the time and enter the name of place you reported and where released from work and when and where each change of duty occurred. Explain excess hours - Section 395.8(o).</small>																																																																																																																																																														
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## RECAP

DAY NO. \_\_\_\_\_

DRIVING HRS.  
TODAY  
TOTAL LINE 3

DRIVING  
VIOLATION  
TODAY

ON DUTY HRS.  
TODAY TOTAL  
LINES 3 & 4

70 HR/8 DAY  
DRIVERS

A.

TOTAL HRS. ON  
DUTY LAST 7  
DAYS. INCL  
TODAY

B.

TOTAL HRS.  
AVAILABLE  
TOMORROW:  
70 HRS. MINUS A

C.

TOTAL HRS. ON  
DUTY LAST 8 DAYS  
INCL  
TODAY

60 HR/7 DAY  
DRIVERS

A.

TOTAL HRS. ON  
DUTY LAST 6  
DAYS. INCL.  
TODAY

B.

TOTAL HRS.  
AVAILABLE  
TOMORROW:  
60 HRS. MINUS A

C.

TOTAL HRS. ON  
DUTY LAST 7  
DAYS. INCL.  
TODAY

Each item, required to be entered, on the Driver's Record of Duty Status is listed below, followed by a cryptic explanation of when the information should be recorded.

- (1) **Date** - Entered when the driver first comes on duty.
- (2) **Total miles driving today** - Entered at the end of the driver's work day.
- (3) **Truck or tractor and trailer number** - Entered just prior to operating the vehicle.
- (4) **Name of carrier** - Entered when the driver first comes on duty. The name of the motor carrier may be preprinted.
- (5) **Driver's signature/certification** - Entered at the end of the driver's work day.
- (6) **Main office address** - Entered when the driver first comes on duty. The address of the motor carrier may be preprinted.
- (7) **Remarks** - Entered whenever an event occurs that requires an entry in the remarks section. (Tire check - emergency condition)
- (8) **Name of co-driver** - Entered when the co-driver is known (prior to the commencement of driving operations).
- (9) **Total hours** - Computed and entered at the end of the driver's work day.
- (10) **Shipping document number(s), or name of shipper and commodity** - Entered at the time the trip is assigned to the driver (when loaded).
- (11) 24 hour period describing duty status.

Note: All supporting documents including toll tickets, fuel receipts, scale tickets, etc. must be maintained with duty status records for six months in accordance with 395.8(k)(i).

## DAILY HOURS OF SERVICE

Employee Name/# \_\_\_\_\_ Month/Year \_\_\_\_\_

Each day provide the following information:

1. Time you report for work each day.
2. Time you left work each day.
3. The total hours worked each day.

(See Title 49 CFR, Part 395.1(e))

### PROPERTY CARRIER

\*DO NOT WORK MORE THAN 12 HOURS IN ONE DAY.  
 \*DO NOT DRIVE MORE THAN 11 HOURS IN ONE DAY.  
 \*MUST BE "OFF DUTY" AT LEAST 10 CONSECUTIVE HOURS BETWEEN WORK PERIODS.

### PASSENGER CARRIER

\*DO NOT WORK MORE THAN 12 HOURS IN ONE DAY.  
 \*DO NOT DRIVE MORE THAN 10 HOURS IN ONE DAY.  
 \*MUST BE "OFF DUTY" AT LEAST 8 CONSECUTIVE HOURS BETWEEN WORK PERIODS.

Hours of Service (395.1e)					COMMENTS
Date	Start	End	Total	Unit #	
1	:	:			
2	:	:			
3	:	:			
4	:	:			
5	:	:			
6	:	:			
7	:	:			
8	:	:			
9	:	:			
10	:	:			
11	:	:			
12	:	:			
13	:	:			
14	:	:			
15	:	:			
16	:	:			
17	:	:			
18	:	:			
19	:	:			
20	:	:			
21	:	:			
22	:	:			
23	:	:			
24	:	:			
25	:	:			
26	:	:			
27	:	:			
28	:	:			
29	:	:			
30	:	:			
31	:	:			

# **DAILY HOURS OF SERVICE & VEHICLE CONDITION REPORT**

Employee Name/# \_\_\_\_\_

Month/Year \_\_\_\_\_

Each day provide the following information:

1. Time you report for work each day
2. Time you end work each day
3. The total hours worked each day

**PROPERTY CARRIER**

\*DO NOT WORK MORE THAN 12 HOURS IN ONE DAY.

\*DO NOT DRIVE MORE THAN 11 HOURS IN ONE DAY.

\*MUST BE "OFF DUTY" AT LEAST 10 CONSECUTIVE HOURS BETWEEN WORK PERIODS.

**PASSENGER CARRIER**

\*DO NOT WORK MORE THAN 12 HOURS IN ONE DAY.

\*DO NOT DRIVE MORE THAN 10 HOURS IN ONE DAY.

\*MUST BE "OFF DUTY" AT LEAST 8 CONSECUTIVE HOURS BETWEEN WORK PERIODS.

If vehicle is deficient show # in column below:

0 - NO DEFECTS FOUND                      6 - Horn

1 - Service Brakes                              7 - Windshield Wipers

2 - Parking Brakes                              8 - Rear Vision Mirrors

3 - Steering Mechanisms                      9 - Coupling Devices

4 - Lighting Devices & Reflectors              10 - Wheels & Rims

5 - Tires    11 - Emergency Equipment

Date	Hours of Service (395.1E)				Vehicle Condition Report			Vehicle Condition Report (396.11)		
	Start	End	Total Hrs.	Unit #	Trailer #	Explanation of Defects	Driver's Signature	Repairman's Signature	Next Trip Driver's Signature	
1	:	:								
2	:	:								
3	:	:								
4	:	:								
5	:	:								
6	:	:								
7	:	:								
8	:	:								
9	:	:								
10	:	:								
11	:	:								
12	:	:								
13	:	:								
14	:	:								

Date	Hours of Service (395.1e)					Vehicle Condition Report	Vehicle Condition Report (396.11) Signatures Required		
	Start	End	Total Hrs.	Unit #	Trailer #		Driver's Signature	Repairman's Signature	Next Trip Driver's Signature
15	:	:							
16	:	:							
17	:	:							
18	:	:							
19	:	:							
20	:	:							
21	:	:							
22	:	:							
23	:	:							
24	:	:							
25	:	:							
26	:	:							
27	:	:							
28	:	:							
29	:	:							
30	:	:							
31	:	:							



## HOURS-OF-SERVICE RECORD FOR FIRST TIME OR INTERMITTENT DRIVERS

*Instructions:* When using a driver for the first time or intermittently, a signed statement must be obtained, giving the total time on duty (driving and on duty) during the immediate preceding seven days and the time at which the driver was last relieved from duty prior to beginning work.

Name: (Print) \_\_\_\_\_  
First Middle Last

DAY	TOTAL TIME ON DUTY
-----	--------------------

1	_____
2	_____
3	_____
4	_____
5	_____
6	_____
7	_____

_____	
TOTAL	_____

I hereby certify that the information contained herein is true to the best of my knowledge and belief, and that my last period of release from duty was from:

\_\_\_\_\_ to \_\_\_\_\_  
(Hour/Date) (Hour/Date)

Signature \_\_\_\_\_ Date \_\_\_\_\_

### **Submitting/Retaining Duty Status Log**

The driver must submit the original log sheet to the employing carrier within 13 days after completion. When a motor carrier uses a driver initially or intermittently, that carrier must obtain from him/her a signed statement giving the total time on duty during the immediately preceding 7 days and the time at which he/she was last relieved of duty. Records of duty status must be maintained for a minimum of six months at the carrier's principal place of business, with all supporting documents.

### **Automatic On-Board Recording Devices**

Alternatively, motor carriers may require a driver to use an *automatic on-board recording device* to record duty status. The driver must still have in his/her possession records of duty status in automated or written form, for the previous seven consecutive days. The driver must sign all hard copies of the driver's record of duty status.

## **PART 396**

### **Inspection, Repair, and Maintenance**



## **Part 396**

### **Inspection, Repair, and Maintenance**

Every motor carrier, its officers, drivers, agents, representatives, and employees directly concerned with inspection or maintenance of commercial motor vehicles must comply and be conversant with these rules.

#### **General Requirements**

Every carrier shall systematically inspect, repair, and maintain all commercial motor vehicles under its control.

#### **Record Keeping Requirements**

Motor carriers must maintain the following information for every vehicle that they have controlled for 30 days or more:

- Identifying information, including company number, make, serial number, year, and tire size
- A schedule of inspections to be performed, including type and due date
- Inspection, repair, and maintenance records
- Records of tests conducted on buses with push out windows, emergency doors, and marking lights

These records must be retained for one year at the location where the vehicle is garaged, and maintained for six months after the vehicle leaves the carrier's control (via sale, trade-in, or scrap).

#### **Roadside Inspection Reports**

Any driver who receives a roadside inspection report must deliver it to the motor carrier.

#### **Certification of Roadside Inspection Reports**

An official of the motor carrier is to examine the roadside inspection report and ensure that any violations or defects noted on the report are corrected. Within 15 days after the inspection, the carrier must sign the completed roadside inspection report to certify that all violations have been corrected, and then return it to the indicated address. A copy must be retained for 12 months from the date of inspection.

**POWER UNIT  
INSPECTION AND MAINTENANCE RECORD**

MAKE \_\_\_\_\_ YEAR \_\_\_\_\_ MODEL \_\_\_\_\_ SERIAL NO. \_\_\_\_\_

NO. OF TIRES \_\_\_\_\_ SIZES \_\_\_\_\_ PLY RATING \_\_\_\_\_ CO. UNIT NO. \_\_\_\_\_

MONTH	DAY	YEAR	MILEAGE	LUB	OIL	REPAIR AND OTHER SERVICES	COST

**NATURE & DUE DATE OF INSPECTIONS/MAINTENANCE  
OPERATIONS TO BE PERFORMED**

DATE	NEXT INSPECTION AND MAINTENANCE OPERATION

## SEMI-TRAILER, TRAILER INSPECTION AND MAINTENANCE RECORD

MAKE \_\_\_\_\_ YEAR \_\_\_\_\_ MODEL \_\_\_\_\_ SERIAL NO. \_\_\_\_\_

NO. OF TIRES \_\_\_\_\_ SIZES \_\_\_\_\_ PLY RATING \_\_\_\_\_ CO. UNIT NO. \_\_\_\_\_

IF LEASED, NAME OF LEASOR \_\_\_\_\_

(X – O.K.; A – Adjustment Made; R – Repairs Made; RP – Replacement Made.)

[illegible]

### NATURE & DUE DATE OF INSPECTIONS/MAINTENANCE OPERATIONS TO BE PERFORMED

[illegible]

## Post-Trip Inspection Report

Every carrier must require its drivers to prepare a daily written post-trip inspection report at the end of each driving day. Every driver is responsible for preparing such a report for each vehicle driven. This report must cover *at least* the following parts and accessories:

- Service brakes (including trailer brake connections)
- Parking (hand) brake
- Steering mechanism
- Lighting devices and reflectors
- Tires
- Horn
- Windshield wipers
- Rearview mirrors
- Coupling devices
- Wheels and rims
- Emergency equipment

The report must list any condition that the driver either found or had reported to him/her that would affect safety of operation or cause a breakdown. If no defect or deficiency is reported or found, the report should state this. The driver must sign the report in all cases.

Before dispatching the vehicle again, a carrier shall ensure that a certification has been made as to any defect or deficiency that they have been corrected, or state those deficiencies that do not require immediate correction. Carriers must keep the original post-trip inspection report and the certification of repairs for at least three months from the date of preparation.

Before starting out, the driver must be satisfied that the motor vehicle is in safe operating condition. If the last vehicle inspection report notes any deficiencies, the driver must review and sign to acknowledge that necessary repairs have been completed. The report does not have to be carried on the vehicle.

**EXCEPTIONS:** The Post-Trip Inspection Report shall not apply to a private motor carrier of passengers (nonbusiness), a driveaway-towaway operation, or any motor carrier operating only one commercial motor vehicle.

## Periodic Inspection

Every commercial vehicle, including each segment of a combination vehicle, requires a periodic inspection and must be performed at least once every 12 months. At a minimum, inspections must include all items enumerated in the Minimum Periodic Inspection Standards, Appendix G to Subchapter B. Carriers may perform required annual inspections themselves. The motor carrier must retain the original or a copy of the periodic inspection report for 14 months from the report date.

## DRIVER'S VEHICLE CONDITION REPORT

BEGINNING MILEAGE

TRACTOR	DATE	ENDING MILEAGE
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✓ CHECK ANY DEFECTS NOTED BELOW

	PARKING (HAND) BRAKE		WHEELS AND RIMS
	STEERING MECHANISM		EMERGENCY EQUIPMENT
	LIGHTS AND REFLECTORS		ENGINE
	TIRES		TRANSMISSION
	HORN		CLUTCH
	WINDSHIELD WIPERS		EXHAUST
	REAR VIEW MIRRORS		BRAKES
	COUPLING DEVICES		COOLING AND OIL PRESSURE
EXPLAIN IN DETAIL ANY DEFECTS CHECKED (TRACTOR ONLY)			
IF NO DEFECTS – WRITE “NONE”			
EXPLAIN IN DETAIL ANY TRAILER DEFECTS			
TRAILER NO. _____		TRAILER NO. _____	
I HAVE INSPECTED THE ABOVE UNIT AND REPORTED ALL DEFECTS KNOWN TO ME.	DRIVER’S SIGNATURE		DATE
I HAVE REVIEWED THE PREVIOUS REPORT AND NEEDED REPAIRS OF SAFETY DEFECTS ON			
THIS TRACTOR HAVE BEEN MADE.	REPAIRMAN’S SIGNATURE		DATE
I HAVE MADE ALL NEEDED REPAIRS OF THE			
DEFECTS REPORTED ON THIS UNIT.			



### DRIVER'S VEHICLE CONDITION REPORT

DRIVER _____	TOTAL HOURS _____		
TIME OUT _____	TIME RETURNED _____ DATE _____		
TRACTOR _____	BEGINNING MILEAGE _____ ENDING MILEAGE _____		
✓ CHECK ANY DEFECTS NOTED BELOW			
<input type="checkbox"/>	PARKING (HAND) BRAKE	<input type="checkbox"/>	WHEELS AND RIMS
<input type="checkbox"/>	STEERING MECHANISM	<input type="checkbox"/>	EMERGENCY EQUIPMENT
<input type="checkbox"/>	LIGHTS AND REFLECTORS	<input type="checkbox"/>	ENGINE
<input type="checkbox"/>	TIRES	<input type="checkbox"/>	TRANSMISSION
<input type="checkbox"/>	HORN	<input type="checkbox"/>	CLUTCH
<input type="checkbox"/>	WINDSHIELD WIPERS	<input type="checkbox"/>	EXHAUST
<input type="checkbox"/>	REAR VIEW MIRRORS	<input type="checkbox"/>	BRAKES
<input type="checkbox"/>	COUPLING DEVICES	<input type="checkbox"/>	COOLING AND OIL PRESSURE
EXPLAIN IN DETAIL ANY DEFECTS CHECKED (TRACTOR ONLY)			
IF NO DEFECTS - WRITE "NONE"			
EXPLAIN IN DETAIL ANY TRAILER DEFECTS			
TRAILER NO. _____		TRAILER NO. _____	
I HAVE INSPECTED THE ABOVE UNIT AND REPORTED ALL DEFECTS KNOWN TO ME.		DIRECTOR'S SIGNATURE _____	DATE _____
I HAVE REVIEWED THE PREVIOUS REPORT AND NEEDED REPAIRS OF SAFETY DEFECTS ON _____		NEXT TRIP DRIVER'S SIGNATURE _____	DATE _____
THIS TRACTOR HAVE BEEN MADE _____		REPAIRMAN'S SIGNATURE _____	DATE _____
I HAVE MADE ALL NEEDED REPAIRS OF THE DEFECTS REPORTED ON THIS UNIT.			

DIVER		TOTAL HOURS	
TIME OUT		TIME RETURNED	
DATE		DATE	
TRACTOR		BEGINNING MILEAGE	
		ENDING MILEAGE	
✓ CHECK ANY DEFECTS NOTED BELOW			
PARKING (HAND) BRAKE		WHEELS AND RIMS	
STEERING MECHANISM		EMERGENCY EQUIPMENT	
LIGHTS AND REFLECTORS		ENGINE	
TIRES		TRANSMISSION	
HORN		CLUTCH	
WINDSHIELD WIPERS		EXHAUST	
REAR VIEW MIRRORS		BRAKES	
COUPLING DEVICES		COOLING AND OIL PRESSURE	
EXPLAIN IN DETAIL ANY DEFECTS CHECKED (TRACTOR OKLY)			
IF NO DEFECTS WRITE "NONE"			
EXPLAIN IN DETAIL ANY TRAILER DEFECTS			
TRAILER NO.		TRAILER NO.	
I HAVE INSPECTED THE ABOVE UNIT AND REPORTED ALL DEFECTS KNOWN TO ME.		DRIVER'S SIGNATURE	DATE
I HAVE REVIEWED THE PREVIOUS REPORT AND NEEDED REPAIRS OF SAFETY DEFECTS ON		NEXT TRIP DRIVER'S SIGNATURE	DATE
THIS TRACTOR HAVE BEEN MADE.		REPAIRMAN'S SIGNATURE	DATE
I HAVE MADE ALL NEEDED REPAIRS OF THE DEFECTS REPORTED ON THIS UNIT.			

DRIVER _____	TOTAL HOURS _____
TIME OUT _____	TIME RETURNED _____ DATE _____
TRACTOR _____	BEGINNING MILEAGE _____ ENDING MILEAGE _____
✓ CHECK ANY DEFECTS NOTED BELOW	
<input type="checkbox"/> PARKING (HAND) BRAKE	<input type="checkbox"/> WHEELS AND RIMS
<input type="checkbox"/> STEERING MECHANISM	<input type="checkbox"/> EMERGENCY EQUIPMENT
<input type="checkbox"/> LIGHTS AND REFLECTORS	<input type="checkbox"/> ENGINE
<input type="checkbox"/> TIRES	<input type="checkbox"/> TRANSMISSION
<input type="checkbox"/> HORN	<input type="checkbox"/> CLUTCH
<input type="checkbox"/> WINDSHIELD WIPERS	<input type="checkbox"/> EXHAUST
<input type="checkbox"/> REAR VIEW MIRRORS	<input type="checkbox"/> BRAKES
<input type="checkbox"/> COUPLING DEVICES	<input type="checkbox"/> COOLING AND OIL PRESSURE
EXPLAIN IN DETAIL ANY DEFECTS CHECKED (TRACTOR ONLY)	
IF NO DEFECTS – WRITE: "NONE"	
EXPLAIN IN DETAIL ANY TRAILER DEFECTS	
TRAILER NO. _____	TRAILER NO. _____
I HAVE INSPECTED THE ABOVE UNIT AND REPORTED ALL DEFECTS KNOWN TO ME.	DRIVER'S SIGNATURE _____ DATE _____
I HAVE REVIEWED THE PREVIOUS REPORT AND NEEDED REPAIRS OF SAFETY DEFECTS ON	NEXT TRIP DRIVER'S SIGNATURE _____ DATE _____
THIS TRACTOR HAVE BEEN MADE.	REPAIRMAN'S SIGNATURE _____ DATE _____
I HAVE MADE ALL NEEDED REPAIRS OF THE DEFECTS REPORTED ON THIS UNIT.	

DRIVER _____	TOTAL HOURS _____
TIME OUT _____	TIME RETURNED _____ DATE _____
TRACTOR _____	BEGINNING MILEAGE _____ ENDING MILEAGE _____
<b>✓ CHECK ANY DEFECTS NOTED BELOW</b>	
PARKING (HAND) BRAKE	WHEELS AND RIMS
STEERING MECHANISM	EMERGENCY EQUIPMENT
LIGHTS AND REFLECTORS	ENGINE
TIRES	TRANSMISSION
HORN	CLUTCH
WINDSHIELD WIPERS	EXHAUST
REAR VIEW MIRRORS	BRAKES
COUPLING DEVICES	COOLING AND OIL PRESSURE
<b>EXPLAIN IN DETAIL ANY DEFECTS CHECKED (TRACTOR ONLY)</b>	
<b>IF NO DEFECTS – WRITE "NONE"</b>	
<b>EXPLAIN IN DETAIL ANY TRAILER DEFECTS</b>	
TRAILER NO. _____	TRAILER NO. _____
I HAVE INSPECTED THE ABOVE UNIT AND REPORTED ALL DEFECTS KNOWN TO ME.	DIRECTOR'S SIGNATURE _____ DATE _____
I HAVE REVIEWED THE PREVIOUS REPORT AND NEEDED REPAIRS OF SAFETY DEFECTS ON	NEXT TRIP DRIVER'S SIGNATURE _____ DATE _____
THIS TRACTOR HAS BEEN MADE:	REPAIRMAN'S SIGNATURE _____ DATE _____
I HAVE MADE ALL NEEDED REPAIRS OF THE DEFECTS REPORTED ON THIS UNIT.	

## **Documentation of Inspection**

Documentation (report, sticker, or decal) of the most recent periodic inspection must be kept on the vehicle.

## **Inspector Qualification**

Motor carriers must ensure that persons performing annual inspections are qualified. Inspectors must:

- Understand the inspection standards of Part 393 and Appendix G
- Be able to identify defective components
- Have knowledge and proficiency in methods, procedures, and tools

## **Inspector Training or Experience**

Inspectors may have gained experience or training by:

- Completing a state or federal training program, or earning a state or Canadian Province qualifying certificate in commercial motor vehicle safety inspections
- A combination of other training or experience totaling at least a year

## **Evidence of Qualifications**

Motor carriers must retain evidence of an inspector's qualifications until one year after the inspector ceases to perform inspections for the carrier.

## **Equivalent to Periodic Inspection**

The motor carrier may meet periodic inspection requirements through:

- State or other jurisdiction's roadside inspection program
- Self-inspection by qualified employee or
- Third party inspection by qualified individual

## **Brake Inspector Qualification**

The motor carrier is responsible for ensuring that all inspections, maintenance, repairs, and service to brakes of commercial motor vehicles comply with these regulations. The carrier must ensure that the employees responsible for brake inspection, maintenance, service, or repairs meet minimum brake inspector qualifications.

## **Qualifications for Brake Inspectors**

The brake inspector must:

- Understand and be able to perform the brake service and inspection
- Know the methods, procedures, tools and equipment needed and
- Be qualified to perform brake service or inspection by training and/or experience

### **Qualifying Brake Training or Experience**

Qualifying brake training or experience includes successful completion of:

- A state, Canadian Province, federal agency, or union training program
- A state-approved training program
- Training that led to attainment of a state or Canadian Province qualifying certificate to perform assigned brake service or inspection tasks, including passage of CDL air brake test in the case of a brake inspection or
- One year of brake-related training, experience, or combination of both

### **Maintaining Evidence of Brake Inspector Qualifications**

Motor carriers must maintain evidence of brake inspector qualification at the principal place of business or the location where the inspector works. Evidence must be retained for the period during which the brake inspector is employed in that capacity and for one year thereafter.

# ANNUAL VEHICLE INSPECTION REPORT

VEHICLE HISTORY RECORD	
REPORT NUMBER	FLEET UNIT NUMBER
DATE	

MOTOR CARRIER OPERATOR	INSPECTOR'S NAME (PRINT OR TYPE)
ADDRESS	THIS INSPECTOR MEETS THE QUALIFICATION REQUIREMENTS IN SECTION 396.19. <input type="checkbox"/> YES
CITY, STATE, ZIP CODE	VEHICLE IDENTIFICATION (✓) AND COMPLETE <input type="checkbox"/> LIC. PLATE NO. <input type="checkbox"/> VIN <input type="checkbox"/> OTHER
VEHICLE TYPE <input type="checkbox"/> TRACTOR <input type="checkbox"/> TRAILER <input type="checkbox"/> TRUCK <input type="checkbox"/> (OTHER)	INSPECTION AGENCY/LOCATION (OPTIONAL)

VEHICLE COMPONENTS INSPECTED											
OK	NEEDS REPAIR	REPAIRED DATE	ITEM	OK	NEEDS REPAIR	REPAIRED DATE	ITEM	OK	NEEDS REPAIR	REPAIRED DATE	ITEM
			1. BRAKE SYSTEM				4. FUEL SYSTEM				9. FRAME
			a. Service Brakes				a. Visible leak				a. Frame Members
			b. Parking Brake System				b. Fuel tank filler cap missing				b. Tire and Wheel Clearance
			c. Brake Drums or Rotors				c. Fuel tank securely attached				c. Adjustable Axle Assemblies (Sliding Subframes)
			d. Brake Hose								
			e. Brake Tubing				5. LIGHTING DEVICES				10. TIRES
			f. Low Pressure Warning Device				All lighting devices and reflectors required by Section 393 shall be operable.				a. Tires on any steering axle of a power unit.
			g. Tractor Protection Valve								b. All other tires.
			h. Air Compressor				6. SAFE LOADING				11. WHEELS AND RIMS
			i. Electric Brakes				a. Part(s) of vehicle or condition of loading such that the spare tire or any part of the load or dunnage can fall onto the roadway.				a. Lock or Side Ring
			j. Hydraulic Brakes				b. Protection against shifting cargo				b. Wheels and Rims
			k. Vacuum Systems								c. Fasteners
											d. Welds
			2. COUPLING DEVICES				7. STEERING MECHANISM				12. WINDSHIELD GLAZING
			a. Fifth Wheels				a. Steering Wheel Free Play				Requirements and exceptions as stated pertaining to any crack, discoloration or vision reducing matter (reference 393.60 for exceptions)
			b. Pintle Hooks				b. Steering Column				
			c. Drawbar/Towbar Eye				c. Front Axle Beam and All Steering Components Other Than Steering Column				13. WINDSHIELD WIPERS
			d. Drawbar/Towbar Tongue				d. Steering Gear Box				Any power unit that has an inoperative wiper, or missing or damaged parts that render it ineffective.
			e. Safety Devices				e. Pitman Arm				
			f. Saddle-Mounts				f. Power Steering				List any other condition which may prevent safe operation of this vehicle.
							g. Ball and Socket Joints				
			3. EXHAUST SYSTEM				h. Tie Rods and Drag Links				
			a. Any exhaust system determined to be leaking at a point forward of or directly below the driver/sleeper compartment.				i. Nuts				
			b. A bus exhaust system leaking or discharging to the atmosphere in violation of standards (1), (2) or (3).				j. Steering System				
			c. No part of the exhaust system of any motor vehicle shall be so located as would be likely to result in burning, charring, or damaging the electrical wiring, the fuel supply, or any combustible part of the motor vehicle.								
							8. SUSPENSION				
							a. Any U-bolt(s), spring hanger(s), or other axle positioning part(s) cracked, broken, loose or missing resulting in shifting of an axle from its normal position.				
							b. Spring Assembly				
							c. Torque, Radius or Tracking Components.				

INSTRUCTIONS: MARK COLUMN ENTRIES TO VERIFY INSPECTION: X OK, X NEEDS REPAIR, NA IF ITEMS DO NOT APPLY, \_\_\_\_\_ REPAIRED DATE

**CERTIFICATION: THIS VEHICLE HAS PASSED ALL THE INSPECTION ITEMS FOR THE ANNUAL VEHICLE INSPECTION REPORT IN ACCORDANCE WITH 49 CFR 396.**

A vehicle does not pass an inspection if it has one of the following defects or deficiencies:  
1. **Brake System.**

#### a. Service Brakes.

- (1) Absence of braking action on any axle required to have brakes upon application of the service brakes (such as missing brakes or brake shoe(s) failing to move upon application of a wedge, S cam, cam, or disc brake).
- (2) Missing or broken mechanical components including: shoes, lining pads, springs, anchor pins, spiders, cam rollers, push rods, and air chamber mounting bolts.
- (3) Loose brake components including air chambers, spiders, and cam shaft support brackets.
- (4) Audible air leak at brake chamber (Example ruptured diaphragm, loose chamber clamp, etc.).
- (5) Readjustment limits. The maximum stroke at which brakes should be readjusted is given below. Any brake 14, or more past the readjustment limit or any two brakes less than 14, beyond the readjustment limit shall be cause for rejection. Stroke shall be measured with engine off and reservoir pressure of 80 to 90 psi with brakes fully applied.

#### BOLT TYPE BRAKE CHAMBER DATA

Type	Effective area (sq. in.)	Outside diameter (in.)	Maximum stroke at which brakes should be readjusted
A	12	6 15/16	1 3/8
B	24	9 3/16	1 3/4
C	16	8 1/16	1 3/4
D	6	5 1/4	1 1/4
E	9	6 3/16	1 3/8
F	36	11	2 1/4
G	30	9 7/8	2

#### ROTOCHAMBER DATA

Type	Effective area (sq. in.)	Outside diameter (in.)	Maximum stroke at which brakes should be readjusted
9	9	4 9/32	1 1/4
12	12	4 13/16	1 1/4
16	16	5 13/32	1 1/4
20	20	5 15/16	1 1/4
24	24	6 13/32	2
30	30	7 1/16	2 1/4
36	36	7 5/8	2 3/4
50	50	8 7/8	3

#### CLAMP TYPE BRAKE CHAMBER DATA

Type	Effective area (sq. in.)	Outside diameter (in.)	Maximum stroke at which brakes should be readjusted
6	6	4 1/4	1 1/4
9	9	5 1/4	1 3/8
12	12	5 11/16	1 3/8
16	16	6 3/8	1 3/4
20	20	6 25/32	1 3/4
24	24	7 7/32	1 3/4
30	30	8 3/32	2
36	36	9	2 1/4

(\*2" for long stroke design).

**WEDGE BRAKE DATA.** --Movement of the scrub mark on the lining shall not exceed 116 inch.

- (a) Lining or pad is not firmly attached to the shoe.
- (b) Saturated with oil, grease, or brake fluid; or
- (c) Non steering axles: Lining with a thickness less than 14 inch at the shoe center for air drum brakes, 116 inch or less at the shoe center for hydraulic and electric drum brakes, and less than 18 inch for air disc brakes.
- (d) Steering axles: Lining with a thickness less than 14 inch at the shoe center for drum brakes, less than 18 inch for air disc brakes and 116 inch or less for hydraulic disc and electric brakes.
- (7) Missing brake on any axle required to have brakes.
- (8) Mismatch across any power unit steering axle of:
  - (a) Air chamber sizes.
  - (b) Slack adjuster length.
  - (c) Parking Brake System. No brakes on the vehicle or combination are applied upon actuation of the parking brake control, including driveway hand controlled parking brakes.
- e. **Brake Drum or Rotors.**
  - (1) With any external crack or cracks that open upon brake application (do not confuse short hairline heat check cracks with flexural cracks).
  - (2) Any portion of the drum or rotor missing or in danger of falling away.
  - d. **Brake Hose.**
    - (1) Hose with any damage extending through the outer reinforcement ply. (Rubber impregnated fabric cover is not a reinforcement ply). (Thermoplastic nylon may have braid reinforcement or color difference between cover and inner tube. Exposure of second color is cause for rejection).
    - (2) Bulge or swelling when air pressure is applied.
    - (3) Any audible leaks.

(4) Two hoses improperly joined (such as a splice made by sliding the hose ends over a piece of tubing and clamping the hose to the tube).

- (5) Air hose cracked, broken or crimped.
- e. **Brake Tubing.**
  - (1) Any audible leak.
  - (2) Tubing cracked, damaged by heat, broken or crimped.

f. **Low Pressure Warning Device** missing, inoperative, or does not operate at 55 psi and below, or 12 the governor cut out pressure, whichever is less.

g. **Tractor Protection Valve.** Inoperative or missing tractor protection valve(s) on power unit.

#### h. Air Compressor.

- (1) Compressor drive belts in condition of impending or probable failure.
- (2) Loose compressor mounting bolts.
- (3) Cracked, broken or loose pulley.
- (4) Cracked or broken mounting brackets, braces or adapters.

#### i. Electric Brakes.

- (1) Absence of braking action on any wheel required to have brakes.
- (2) Missing or inoperative breakaway braking device.

j. **Hydraulic Brakes.** (Including Power Assist Over Hydraulic and Engine Drive Hydraulic Booster).

- (1) Master cylinder less than 14 full.
- (2) No pedal reserve with engine running except by pumping pedal.
- (3) Power assist unit fails to operate.
- (4) Seeping or swelling brake hose(s) under application of pressure.
- (5) Missing or inoperative check valve.
- (6) Has any visually observed leaking hydraulic fluid in the brake system.
- (7) Has hydraulic hose(s) abraded (chafed) through outer cover to fabric layer.
- (8) Fluid lines or connections leaking restricted, crimped, cracked or broken.
- (9) Brake failure or low fluid warning light on and/or inoperative.

k. **Vacuum Systems.** Any vacuum system which:

- (1) Has insufficient vacuum reserve to permit one full brake application after engine is shut off.
- (2) Has vacuum hose(s) or line(s) restricted, abraded (chafed) through outer cover to cord ply, crimped, cracked, broken or has collapse of vacuum hose(s) when vacuum is applied.
- (3) Lacks an operative low vacuum warning device as required.

#### l. Coupling Devices.

- a. **Fifth Wheels.**
  - (1) Mounting to frame.
  - (a) Any fasteners missing or ineffective.
  - (b) Any movement between mounting components.

- (c) Any mounting angle iron cracked or broken.
- (2) Mounting plates and pivot brackets.
- (a) Any fasteners missing or ineffective.
- (b) Any welds or parent metal cracked.
- (c) More than 38 inch horizontal movement between pivot bracket pin and bracket.
- (d) Pivot bracket pin missing or not secured.

#### m. Sliders.

- (a) Any latching fasteners missing or ineffective.
- (b) Any fore or aft stop missing or not securely attached.
- (c) Movement more than 38 inch between slider bracket and slider base.
- (a) Any slider component cracked in parent metal or weld.
- (4) Lower coupler.

(a) Horizontal movement between the upper and lower fifth wheel halves exceeds 12 inch.

(b) Operating handle not in closed or locked position.

(c) Kingpin not properly engaged.

(d) Separation between upper and lower coupler allowing light to show through from side to side.

(e) Cracks in the fifth wheel plate. Exceptions: Cracks in fifth wheel approach ramps and casting shrinkage cracks in the ribs of the body of a cast fifth wheel.

(f) Locking mechanism parts missing, broken, or deformed to the extent the kingpin is not securely held.

#### n. Pintle Hooks.

- (1) Mounting to frame.
- (a) Any missing or ineffective fasteners (a fastener is not considered missing if there is an empty hole in the device but no corresponding hole in the frame or vice versa).

(b) Mounting surface cracks extending from point of attachment (e.g., cracks in the frame at mounting bolt holes).

#### o. Loose mounting.

(a) Frame crossmember providing pintle hook attachment cracked.

#### p. Integrity.

- (a) Cracks anywhere in pintle hook assembly.
- (b) Any welded repairs to the pintle hook.
- (c) Any part of the horn section reduced by more than 20%.

#### q. Latch insecure.

c. **Drawbar/Towbar Eye.**

- (1) Mounting.
- (a) Any cracks in attachment welds.
- (b) Any missing or ineffective fasteners.

#### r. Integrity.

- (a) Any cracks.
- (b) Any part of the eye reduced by more than 20%.

d. **Drawbar/Towbar Tongue.**

- (a) Slides (power or manual).
- (b) Ineffective latching mechanism.
- (c) Missing or ineffective stop.

(d) Movement of more than 14 inch between slider and housing.

(d) Any leaking, air or hydraulic cylinders, hoses, or chambers (other than slight oil weeping normal with hydraulic seals).

#### (2) Integrity.

- (a) Any cracks.
- (b) Movement of 14 inch between subframe and drawbar at point of attachment.

#### e. Safety Devices.

- (1) Safety devices missing.
- (2) Unattached or incapable of secure attachment.

#### f. Chains and hooks.

- (a) Worn to the extent of a measurable reduction in link cross section.
- (b) Improper repairs including welding, wire, small bolts, rope and tape.

#### (4) Cable.

- (a) Kinked or broken cable strands.
- (b) Improper clamps or clamping.

#### f. Saddle Mounts.

- (1) Method of attachment.
- (a) Any missing or ineffective fasteners.
- (b) Loose mountings.

(c) Any cracks or breaks in a stress or load bearing member.

(d) Horizontal movement between upper and lower saddle mount halves exceeds 14 inch.

#### g. Exhaust System.

a. Any exhaust system determined to be leaking at a point forward of or directly below the driver/sleeper compartment.

b. A bus exhaust system leaking or discharging to the atmosphere.

(1) Gasoline powered -- excess of 6 inches forward of the rearmost part of the bus.

(2) Other than gasoline powered -- in excess of 15 inches forward of the rearmost part of the bus.

(3) Other than gasoline powered -- forward of a door or window designed to be opened. (Exception: emergency exits).

c. No part of the exhaust system of any motor vehicle shall be so located as would be likely to result in burning, charring, or damaging the electrical wiring, the fuel supply, or any combustible part of the motor vehicle.

#### 4. Fuel System.

a. A fuel system with a visible leak at any point.

b. A fuel tank filler cap missing.

c. A fuel tank not securely attached to the motor vehicle by reason of loose, broken or missing mounting bolts or brackets (some fuel tanks use springs or rubber bushings to permit movement).

5. **Lighting Devices.**

All lighting devices and reflectors required by Section 393 shall be operable.

#### 6. Safe Loading.

a. Part(s) of vehicle or condition of loading such that the spare tire or any part of the load or dunnage can fall onto the roadway.

b. Protection Against Shifting Cargo -- Any vehicle without a front end structure or equivalent device as required.

7. **Steering Mechanism.**

a. Steering Wheel Free Play (on vehicles equipped with power steering the engine must be running).

**STEERING WHEEL FREE PLAY** (on vehicles equipped with power steering the engine must be running).

(1) Weight carried exceeds tire load limit. This includes overloaded tire resulting from low air pressure.

(2) Tire is flat or has noticeable (e.g., can be heard or felt) leak.

(3) Has body ply or belt material exposed through the tread or sidewall.

(4) Has any tread or sidewall separation.

(5) Has a cut where ply or belt material is exposed.

(6) So mounted or inflated that it comes in contact with any part of the vehicle.

(7) All tires other than those found on the steering axle of a power unit.

(1) Weight carried exceeds tire load limit. This includes overloaded tire resulting from low air pressure.

(2) Tire is flat or has noticeable (e.g., can be heard or felt) leak.

(3) Has body ply or belt material exposed through the tread or sidewall.

(4) Has any tread or sidewall separation.

(5) Has a cut where ply or belt material is exposed.

(6) So mounted or inflated that it comes in contact with any part of the vehicle. (This includes a tire that contacts its mate.)

(7) Is marked "Not for highway use" or otherwise marked and having like meaning.

(8) With less than 232 inch tread when measured at any point on a major tread groove.

11. **Wheels and Rims.**

a. **Loose or Side Ring.** Bent, broken, cracked, improperly seated, sprung or mismatched ring(s).

b. **Wheels and Rims.** Cracked or broken or has elongated bolt holes.

c. **Fasteners** (both spoke and disc wheels). Any loose, missing, broken, cracked, stripped or otherwise ineffective fasteners.

d. **Welds.**

(1) Any cracks in welds attaching disc wheel disc to rim.

(2) Any crack in welds attaching tubeless demountable rim to adapter.

(3) Any welded repair on aluminum wheel(s) on a steering axle.

(4) Any welded repair other than disc to rim attachment on steel disc wheel(s) mounted on the steering axle.

12. **Windshield Glazing.**

(Not including a 2 inch border at the top, a 1 inch border at each side and the area below the topmost portion of the steering wheel.) Any crack, discoloration or vision reducing matter except: (1) coloring or tinting applied at time of manufacture; (2) any crack not over 14 inch wide, if not intersected by any other crack; (3) any damaged area not more than 34 inch in diameter, if not closer than 3 inches to any other such damaged area; (4) labels, stickers, decalcomania, etc. (see §393.60 for exceptions).

13. **Windshield Wipers.**

Any power unit that has an inoperative wiper, or missing or damaged parts that render it ineffective.

Comparison of Appendix G, and the new North American Uniform Driver Vehicle Inspection Procedure (North American Commercial

(2) Any broken main leaf in a leaf spring assembly. (Includes assembly with more than one main spring).

#### (3) Coil spring broken.

#### (4) Rubber spring missing.

(5) One or more leaves displaced in a manner that could result in contact with a tire, rim, brake drum or frame.

(6) Broken torsion bar spring in a torsion bar suspension.

(7) Deflated air suspension, i.e., system failure, leak, etc.

c. **Torque, Radius or Tracking Components.**

Any part of a torque, radius or tracking component assembly or any part used for attaching the same to the vehicle frame or axle that is cracked, loose, broken or missing. (Does not apply to loose bushings in torque or track rods.)

#### 9. Frame

#### a. Frame Members.

(1) Any cracked, broken, loose, or sagging frame member.

(2) Any loose or missing fasteners including fasteners attaching functional component such as engine, transmission, steering gear, suspension, body parts, and fifth wheel.

b. **Tire and Wheel Clearance.** Any condition, including loading, that causes the body or frame to be in contact with a tire or any part of the wheel assemblies.

c. (1) Adjustable Axle Assemblies (Sliding Subframes). Adjustable axle assembly with locking pins missing or not engaged.

#### 10. Tires.

a. Any tire on any steering axle of a power unit.

(1) With less than 432 inch tread when measured at any point on a major tread groove.

(2) Has body ply or belt material exposed through the tread or sidewall.

(3) Has any tread or sidewall separation.

(4) Has a cut where the ply or belt material is exposed.

(5) Labeled "Not for Highway Use" or displaying other marking which would exclude use on steering axle.

(6) A tube type radial tire without radial tube stem markings. These markings include a red band around the tube stem, the word "radial" embossed in metal stems, or the word "radial" molded in rubber stems.

(7) Mixing bias and radial tires on the same axle.

(8) Tire flap protrudes through valve slot in rim and touches stem.

(9) regrooved tire except motor vehicles used solely in urban or suburban service (see exception in §393.75(e)).

(10) Boot, blowout patch or other ply repair.

(11) Weight carried exceeds tire load limit. This includes overloaded tire resulting from low air pressure.

(12) Tire is flat or has noticeable (e.g., can be heard or felt) leak.

(13) Any wear equipped with recapped or retreaded tire(s).

(14) So mounted or inflated that it comes in contact with any part of the vehicle.

b. All tires other than those found on the steering axle of a power unit.

(1) Weight carried exceeds tire load limit. This includes overloaded tire resulting from low air pressure.

(2) Tire is flat or has noticeable (e.g., can be heard or felt) leak.

(3) Has body ply or belt material exposed through the tread or sidewall.

(4) Has any tread or sidewall separation.

(5) Has a cut where ply or belt material is exposed.

(6) So mounted or inflated that it comes in contact with any part of the vehicle. (This includes a tire that contacts its mate.)

(7) Is marked "Not for highway use" or otherwise marked and having like meaning.

(8) With less than 232 inch tread when measured at any point on a major tread groove.

11. **Wheels and Rims.**

a. **Loose or Side Ring.** Bent, broken, cracked, improperly seated, sprung or mismatched ring(s).

b. **Wheels and Rims.** Cracked or broken or has elongated bolt holes.

c. **Fasteners** (both spoke and disc wheels). Any loose, missing, broken, cracked, stripped or otherwise ineffective fasteners.

d. **Welds.**

(1) Any cracks in welds attaching disc wheel disc to rim.

(2) Any crack in welds attaching tubeless demountable rim to adapter.

(3) Any welded repair on aluminum wheel(s) on a steering axle.

(4) Any welded repair other than disc to rim attachment on steel disc wheel(s) mounted on the steering axle.

12. **Windshield Glazing.**

(Not including a 2 inch border at the top, a 1 inch border at each side and the area below the topmost portion of the steering wheel.) Any crack, discoloration or vision reducing matter except: (1) coloring or tinting applied at time of manufacture; (2) any crack not over 14 inch wide, if not intersected by any other crack; (3) any damaged area not more than 34 inch in diameter, if not closer than 3 inches to any other such damaged area; (4) labels, stickers, decalcomania, etc. (see §393.60 for exceptions).

13. **Windshield Wipers.**

Any power unit that has an inoperative wiper, or missing or damaged parts that render it ineffective.

Comparison of Appendix G, and the new North American Uniform Driver Vehicle Inspection Procedure (North American Commercial

Vehicle Critical Safety Inspection Items and Out Of Service Criteria)

The vehicle portion of the FHWA's North American Uniform Driver Vehicle Inspection Procedure (NAUD VIP) requirements, CVSA's North American Commercial Vehicle Critical Safety Inspection Items and Out Of Service Criteria and Appendix G of subchapter B are similar documents and follow the same inspection procedures. The same items are required to be inspected by each document.

FHWA's and CVSA's out of service criteria are intended to be used in random roadside inspections to identify critical vehicle inspection items and provide criteria for placing a vehicle(s) out of service. A vehicle(s) is placed out of service only when by reason of its mechanical condition or loading it is determined to be so imminently hazardous as to likely cause an accident or breakdown, or when such condition(s) would likely contribute to loss of control of the vehicle(s) by the driver. A certain amount of flexibility is given to the inspecting official whether to place the vehicle out of service at the inspection site or if it would be less hazardous to allow the vehicle to proceed to a repair facility for repair. The distance to the repair facility must not exceed 25 miles. The roadside type of inspection, however, does not necessarily mean that a vehicle has to be defect free in order to continue in service.

In contrast, the Appendix G inspection procedure requires that all items required to be inspected are in proper adjustment, are not defective and function properly prior to the vehicle being placed in service.

Differences Between the Out Of Service Criteria & FHWA's Annual Inspection

#### 1. Brake System.

The Appendix G criteria rejects vehicles with any defective brakes, any air leaks, etc. The out of service criteria allows 20% defective brakes on non steering axles and a certain latitude on air leaks before placing a vehicle out of service.

2. **Coupling Devices.**

Appendix G rejects

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## Periodic Inspector Qualification CERTIFICATION

I, \_\_\_\_\_, hereby certify that I am knowledgeable in the requirements for performing an annual vehicle inspection and I can identify defective components in compliance with the regulations of the U.S. Department of Transportation for annual vehicle inspections contained in 49 CFR Part 396 Appendix G. I hereby agree to comply with all such regulations governing annual vehicle inspections.

A qualified inspector must meet one or more of the following requirements. Please check those applicable.

- \_\_\_\_\_ Successfully completed a state or federal sponsored training program, which qualifies me to perform a commercial vehicle safety inspection.
- \_\_\_\_\_ One year of training and/or experience in truck manufacturer of similar commercially sponsored training designed to train in truck operation and maintenance.
- \_\_\_\_\_ One year experience as a mechanic or inspector in a motor carrier maintenance program.
- \_\_\_\_\_ One year experience as a mechanic or inspector in truck maintenance at a commercial garage, fleet leasing company, or similar facility.
- \_\_\_\_\_ One year experience as a commercial vehicle inspector for a state, provincial or federal government.

\_\_\_\_\_  
Signature of Mechanic/Inspector

I, \_\_\_\_\_, hereby certify that \_\_\_\_\_ has met the requirements for a qualified inspector to perform the annual vehicle inspection in compliance with the regulations of the U.S. Department of Transportation for qualified inspectors contained in 49 CFR Part 396.19.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Owner/Supervisor

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**Brake Inspector Qualification  
CERTIFICATION**

I, \_\_\_\_\_, hereby certify that I am knowledgeable and understand the requirements for performing the brake service or inspection task and I can identify the defective components in compliance with the regulations of the U.S. Department of Transportation for brake service or inspection tasks contained in 49 CFR Part 396 Appendix G. I hereby agree to comply with all such regulations governing the annual brake service and inspection tasks.

A qualified inspector must meet one or more of the following requirements. Please check those applicable.

- \_\_\_\_\_ Has successfully completed an apprenticeship program sponsored by a State, Canadian Province, Federal Agency or a labor union.
- \_\_\_\_\_ Has successfully completed a training program approved by a state, federal agency.
- \_\_\_\_\_ Has a certificate from a State or Canadian Province qualifying me to perform the assigned brake service or inspection task.
- \_\_\_\_\_ Has brake related training or experience or a combination totaling at least one year.

Such training may consist of:

- \_\_\_\_\_ Participation in a training program sponsored by a brake or vehicle manufacturer or similar commercial training program designed to train students in brake maintenance or inspection similar to the assigned brake service or inspection tasks.
- \_\_\_\_\_ Experience performing brake maintenance or inspection similar to the assigned brake service or inspection task in a motor carrier maintenance program.
- \_\_\_\_\_ Experience performing brake maintenance or inspection similar to the assigned brake service or inspection task at a commercial garage, fleet leasing company or similar facility.
- \_\_\_\_\_ Has passed the air brake knowledge and skills test for a Commercial Driver's License.

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Signature of Brake Inspector

I, \_\_\_\_\_, hereby certify that \_\_\_\_\_ has met the requirements for a qualified inspector to perform the brake service or inspection task in compliance with the regulations of the U.S. Department of Transportation for qualified inspectors contained in 49 CFR Part 396.25

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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Signature of Owner/Supervisor

# **Transportation of Hazardous Materials**





## Transportation of Hazardous Materials

### Do you transport hazardous materials?

Hazardous materials are any substances defined by the Secretary of Transportation as posing an unreasonable risk to health and safety or property. Most people recognize gasoline, propane, or dynamite as being hazardous materials, but did you know that common materials such as paint, nail polish remover, adhesives, cleaning compounds, hair spray, matches, and others may be classified as hazardous materials? It is important to know if you are transporting hazardous materials because violations of the Hazardous Materials Regulations (HMR) carry civil fines of up to \$32,500 and possible criminal penalties including up to five years in jail. Hazardous materials fall into one of the following basic classes and divisions:

Explosives 1.1	Non-Flammable Gas, 2.2	Organic Peroxide, 5.2
Explosives 1.2	Poison Gas, 2.3	Poison Liquid or Solid, 6.1
Explosives 1.3	Flammable & Combustible Liquids, 3	Infectious Substance, 6.2
Explosives 1.4	Flammable Solids, 4.1	Radioactive, 7
Explosives 1.5	Spontaneously Combustible, 4.2	Corrosive, 8
Explosives 1.6	Dangerous When Wet, 4.3	Miscellaneous, 9
Flammable Gas 2.1	Oxidizer, 5.1	Consumer Commodities, ORM-D

To determine if a material you are transporting is hazardous, contact the shipper who provided the material or see the definitions of these materials in the hazardous materials regulations.

### What do I need to do if I transport Hazardous Materials?

A motor carrier that transports a hazardous material, whether interstate or intrastate, must comply with the Federal Hazardous Materials Regulations, 49 CFR 100-180. These regulations include requirements including registration, training, shipping papers, labels, placards, and packages. In addition, there are additional requirements in the Federal Motor Carrier Safety Regulations, which include insurance requirements, operational restrictions, commercial driver's license endorsements, routing, parking, and attendance requirements for hazardous materials.

# HAZMAT TRAINING

## INTRODUCTION

The purpose of this training is to ensure that each hazmat employer trains its hazmat employees regarding safe loading, unloading, handling, storing and transporting of hazardous materials and emergency preparedness for responding to accidents or incidents involving the transportation of hazardous materials.

## DEFINITIONS:

**HAZMAT EMPLOYER** means:

- A. A person who employs or uses at least one hazmat employee on a full-time, part-time, or temporary basis;
- B. A person who is self-employed (including an owner-operator of a motor vehicle, vessel, or aircraft) transporting materials in commerce;
- C. A department, agency, or instrumentality of the United States Government, or an authority of a State, political subdivision of a State, or an Indian tribe; and who:
  - Transports hazardous materials in commerce;
  - Causes hazardous material to be transported or shipped in commerce; or
  - Designs, manufactures, fabricates, inspects, marks, maintains, reconditions, repairs or tests a package, container, or packaging component that is represented, marked, certified, or sold by that person as qualified for use in transporting hazardous materials in commerce;
  - Representing, marking, certifying, selling, offering, reconditioning, testing, repairing, or modifying containers, drums, or packagings as qualified for use in the transportation of hazardous materials.

**HAZMAT EMPLOYEE** means:

- A. A person employed on a full-time, part-time, or temporary basis by a hazmat employer and in the course of such employment directly affects hazardous materials transportation safety.
- B. Self-employed (including an owner-operator of a motor vehicle, vessel, or aircraft) transporting hazardous materials in commerce and in the course of such self-employment directly affects hazardous materials transportation safety.
- C. A railroad signalman; or
- D. A railroad maintenance-of-way employee who:
  - Loads, unloads, or handles hazardous materials;
  - Designs, manufactures, fabricates, inspects, marks, maintains, reconditions, repairs or tests a package, container, or packaging component that is represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce;
  - Prepares hazardous materials for transportation;
  - Is responsible for safety of transporting hazardous materials;
  - Operates a vehicle used to transport hazardous materials.

Some examples of who will be required to be trained are:

- A person determining if a material is a hazardous material;
- A person who designs, produces and/or sells a packaging for hazardous materials;
- A person determining proper packaging for a hazardous material;
- A person who puts the hazardous material in the package;
- A person who marks and labels the package;
- A person who fills out shipping papers;
- A person who loads or unloads hazardous materials;
- A person who moves the packaging in a warehouse during the course of transportation;
- A person who operates a vehicle transporting the material;
- A railroad signalman; or
- A railroad maintenance-of-way employee.

## PART 172

### SUBPART H TRAINING

Training for a hazmat employee after July 2, 1993 must be completed within 90 days after employment. Each hazmat employee must again receive the required training at least once every three years.

#### Training Requirements -

Four/\*Five Categories of training for highway mode:

- **General Awareness/Familiarization Training**  
Each hazmat employee shall be provided general awareness/familiarization training designed to provide familiarity with the requirements of this subchapter, and to enable the employee to recognize and identify hazardous materials consistent with the hazard communication standards of this subchapter.
- **Function Specific Training**  
Each hazmat employee shall be provided function-specific training concerning requirements of this subchapter, or exemptions issued under subchapter A of this chapter, which are specifically applicable to the functions the employee performs.
- **Safety Training**  
Each hazmat employee shall receive safety training concerning-
  - (i) Emergency response information required by subpart G of part 172;
  - (ii) Measures to protect the employee from the hazards associated with hazardous materials to which they may be exposed in the work place, including specific measures the hazmat employer has implemented to protect employees from exposure; and
  - (iii) Methods and procedures for avoiding accidents, such as the proper procedures for handling packages containing hazardous materials.
- **Security Awareness Training**  
No later than the date of the first scheduled recurrent training after March 25, 2003, and in no case later than March 24, 2006, each hazmat employee must receive training that provides an awareness of security risks associated with hazardous materials transportation and methods designed to enhance transportation security. This training must also include a component covering how to recognize and respond to possible security threats. After March 25, 2003, new hazmat employees must receive the security awareness training required by this paragraph within 90 days after employment.
- **\*In-Depth Security Training** *(Only when required to have a Security Plan, see 172.800)*  
Each hazmat employee of a person required to have a security plan in accordance with subpart I of this part must be trained concerning the security plan and its implementation. Security training must include company security objectives, responsibilities, actions to take in the event of a security breach, and the organizational security structure.

Initial and Recurrent Training - (To be done within 90 days of hire.)

- Responsibility of Hazmat Employer.
- The Records Shall Include:
  1. Employee's Name;
  2. Training Completion Date;
  3. Description of Materials Used for Training;
  4. Name and Address of Person Providing Training;
  5. Certification that Employee Has Been Trained and Tested.

Applicability & Responsibility for Training -

- Hazmat Employer to Ensure Each of its Employees are Trained.
- Hazmat Employee Cannot Perform Any Hazardous Material Function Unless Trained.
- Training May Be Provided by Public or Private Source

# **HAZARDOUS MATERIALS TRANSPORTATION SECURITY REQUIREMENTS SUBPART I – SECURITY PLANS**

**This subpart prescribes requirements for development and implementation of plans to address security risks related to the transportation of hazardous materials in commerce.**

## **Security Plans: 172.800**

Each person who offers for transportation in commerce or transports in commerce one or more of the following hazardous materials must develop and adhere to a security plan for hazardous materials that conforms to the requirements of this subpart:

- A highway route-controlled quantity of a Class 7 (radioactive) material, as defined in § 173.403 of this subchapter, in a motor vehicle, rail car, or freight container;
- More than 25 kg (55 pounds) of a Division 1.1, 1.2, or 1.3 (explosive) material in a motor vehicle, rail car, or freight container;
- More than one L (1.06 qt) per package of a material poisonous by inhalation, as defined in § 171.8 of this subchapter, that meets the criteria for Hazard Zone A, as specified in §§ 173.116(a) or 173.133(a) of this subchapter;
- A shipment of a quantity of hazardous materials in a bulk packaging having a capacity equal to or greater than 13,248 L (3,500 gallons) for liquids or gases or more than 13.24 cubic meters (468 cubic feet) for solids; (bulk shipments of combustible liquids are excepted)
- A shipment in other than a bulk packaging of 2,268 kg (5,000 pounds) gross weight or more of one class of hazardous materials for which placarding of a vehicle, rail car, or freight container is required for that class under the provisions of subpart F of this part;
- A select agent or toxin regulated by the Centers for Disease Control and Prevention under 42 CFR part 73; or
- A quantity of hazardous material that requires placarding under the provisions of subpart F of this part.

## **Components of a security plan: 172.802**

**The security plan must include an assessment of possible transportation security risks for shipments of the hazardous materials listed in § 172.800 and appropriate measures to address the assessed risks. Specific measures put into place by the plan may vary commensurate with the level of threat at a particular time. At a minimum, a security plan must include the following elements:**

- Personnel security. Measures to confirm information provided by job applicants hired for positions that involve access to and handling of the hazardous materials covered by the security plan. Such confirmation system must be consistent with applicable Federal and State laws and requirements concerning employment practices and individual privacy.
- Unauthorized access. Measures to address the assessed risk that unauthorized persons may gain access to the hazardous materials covered by the security plan or transport conveyances being prepared for transportation of the hazardous materials covered by the security plan.
- En route security. Measures to address the assessed security risks of shipments of hazardous materials covered by the security plan en route from origin to destination, including shipments stored incidental to movement.

## **PART 177 TRANSPORTATION BY HIGHWAY**

- Driver Training (177.816)

## **GUIDE FOR HAZARDOUS MATERIAL SHIPPING PAPERS**

**USE OF GUIDE** - This guide is designed for In-house use when reviewing hazardous material shipping paper requirements. However, this document should not be used to determine compliance with the U.S. DOT Hazardous Materials Regulations (HMR).

### **1. DEFINITIONS**

- A. Shipping Paper - (49 CFR 171) A shipping paper is a shipping order, bill of lading, manifest, or other shipping document serving a similar purpose and containing the information required by 49 CFR 182.201, 172.202 and 172.204.
- B. The terms "dangerous goods" and "hazardous materials" are considered synonymous.

**SHIPPER'S RESPONSIBILITY** - (49 CFR 172.200(a)) The person offering a hazardous material for transport has the responsibility to properly prepare the shipping paper. (See also 173.22)

- A. Contents - When describing a hazardous material on a shipping paper, that description must conform to the following requirements:
  - 1) When a hazardous material and other materials are both described on the same shipping paper, the hazardous material description entries:
    - a) Must be entered first, or
    - b) Must be entered in a contrasting color (or highlighted in a contrasting color - for reproduced copies of the shipping paper only), or
    - c) Must be identified by the entry "X" placed before the proper shipping name in a column captioned "HM". The "X" may be replaced by "RQ" (Reportable Quantity), if appropriate.
  - 2) The required shipping description on the original shipping paper and all copies must be legible and printed (manually or mechanically) in English.
  - 3) The required description may not contain any code of abbreviation, unless it is specifically authorized or required, such as "UN", United Nations, "NA", North America, or "Ltd. Qty.", Limited Quantity.
  - 4) A shipping paper may contain additional information concerning the material provided the information is not inconsistent with the required description. The additional information must be placed after the basic description required by 49 CFR 172.202(a).
  - 5) A copy of the shipping paper must be retained for two years after provided to the carrier.
    - a) Each person who provides a shipping paper must retain a copy of the shipping paper required by 172.200(1), or an electronic image thereof, that is accessible at or through its principal place of business and must make the shipping paper available, upon request, to an authorized official of a Federal, State, or local government agency at reasonable times and locations. For a hazardous waste, the shipping paper copy must be retained for 3 years after the initial carrier accepts the material. For all other hazardous materials, the shipping paper must be retained for 2 years after the initial carrier accepts the material. Each shipping paper copy must include the date of acceptance by the initial carrier, except that, for rail, vessel, or air shipments, the date on the shipment waybill, airbill, or bill of lading may be used in place of the date of acceptance by the initial carrier.

**HAZARDOUS MATERIALS DESCRIPTION** - (49 CFR 172.202) The shipping description of a hazardous material on a shipping paper must include the following information:

- A. Proper shipping name - MAY NOT BE ABBREVIATED (49 CFR 172.101 Hazardous Materials Table or 172.102 Optional HMT).
- B. The hazard class & subsidiary class or division of the material (See 49 CFR 172.202(a)(2)).
- C. The identification number for the material (preceded by "UN" or "NA", as appropriate 49 CFR 172.202(a)(3)).
- D. Packing Group (If Applicable)
- E. The total quantity by weight (net or gross, as appropriate) or volume, including the unit of measure, of the hazardous material, except for empty packaging, cylinders if compressed gases, and packaging of greater than 119 gallons capacity.
- F. Except as otherwise provided in the regulations, the basic description must be in the sequence shown in the 49 CFR 172.101 Hazardous Materials Table. For example: "Acetone, 3, UN 1090, PG II".
- G. Alternate basic description available: UN1090, Acetone, 3, PGII
- H. The total quantity of the material covered by one description must appear before or after (or both before and after) the basic description.
  - 1) The number and type of packages must be indicated. Abbreviations may be used to specify the type of packaging or units of measure. ((Section 172.202(a)(6) requires the number and types of packages to be indicated on shipping papers. Until October 1, 2007, a person may elect to comply with the requirements for the number and type of packages in effect on September 30, 2003.) (See 171.14(6))
- I. Technical names for N.O.S. and other generic descriptions (172.203(k)). If the material is described on a shipping paper by one of the proper shipping names identified by the letter "G" in Column (1) of the 172.101 Table, the technical name of the hazardous material must be entered in parentheses in association with the basic description as follows: Example: "3, N.O.S., UN 1993, PGI, (Acetone)".

**ADDITIONAL DESCRIPTION REQUIREMENTS** (49 CFR 172.203) ALL MODES

- A. Special permits - Each shipping paper issued in connection with shipment made under a special permit must bear the notation "DOT-SP" followed by the special permit number assigned and located so that the notation is clearly associated with the description to which the special permit applies. *Each shipping paper issued in connection with a shipment made under an exemption or special permit issued prior to October 1, 2007, may bear the notation "DOT-E" followed by the number assigned and so located that the notation is clearly associated with the description to which it applies.*
- B. Place the exemption number adjacent to the description to which the exemption applies. See 172.203(a).
- C. Limited Quantities - Descriptions for materials defined as "Limited Quantities" must include the words "Limited Quantities" or "Ltd. Qty" following the basic description. See 172.203(b).
- D. Hazardous Substances 172.203(c)
  - 1) If the proper shipping name (for a material that is a hazardous substance) does not identify the hazardous substance by name, the following shall be entered, in parentheses, in association with the basic description:
    - a) Name of the hazardous substance from the Appendix to the 172.101 Hazardous Materials Table or
    - b) For waste streams, the waste stream number.
  - 2) The letters "RQ" (Reportable Quantity) shall be entered on the shipping paper either before or after the basic description required by 49 CFR 172.202 for each hazardous substance.
- E. Radioactive Materials - For additional description requirements refer to 172.203(d).
- F. Empty Packaging - See 49 CFR 172.203(e).

- G. Technical names for N.O.S. descriptions - See 172.203(k).
- H. Marine Pollutants - See 172.203(l).
- I. Poisonous Materials - See 172.203(m).
- J. Elevated Temperature Material (Hot) - see 172.325.

## **CARRIER RESPONSIBILITY - TRANSPORTATION BY HIGHWAY**

### **A. Shipping Papers (49 CFR 177.817)**

- 1) General - A carrier may not accept a hazardous material for transportation unless it is accompanied by a shipping paper prepared in accordance with the shipping paper requirements contained in Subpart C of Part 172, 49 CFR 172.200, 172.201, 172.202 and 172.203.
- 2) Shipper's Certification - See 172.204.
- 3) Accessibility of shipping papers - Each carrier and driver of the vehicle shall ensure that the shipping paper is readily available for inspection and recognizable by authorities in case of an accident or for inspection:
  - a) Clearly distinguish the shipping paper if it is carried with other shipping papers or other papers of any kind, by either distinctively tabbing it or having it appear first; and
  - b) Store the shipping paper as follows:
    - i. When the driver is at the controls of the vehicle, within easy reach or visible to anyone entering the vehicle compartment; or
    - ii. When the driver is away from the vehicle the shipping papers must be left on the driver's seat or in the door pouch on the driver's side.
- 4) A copy of the shipping paper must be retained for one year after accepting the Hazardous Materials.
  - a) A motor carrier (as defined in Sec. 390.5 of subchapter B of chapter III of subtitle B) using a shipping paper without change for multiple shipments of one or more hazardous materials having the same shipping name and identification number may retain a single copy of the shipping paper, instead of a copy for each shipment made, if the carrier also retains a record of each shipment made, to include shipping name, identification number, quantity transported, and date of shipment.

## **EMERGENCY RESPONSE INFORMATION REQUIREMENTS (172.201(D), Subpart G, 172.600)**

### **A. Emergency response information (172.602)**

1. "Emergency response information" means information that can be used in the mitigation of an incident involving hazardous materials and, as a minimum, must contain the following information:
  - a) The basic description and technical name of the hazardous material;
  - b) Immediate hazards to health;
  - c) Risk of fire or explosion;
  - d) immediate precautions to be taken in the event of an accident or incident;
  - e) Immediate methods for handling fires;
  - f) Initial methods for handling spills or leaks in the absence of fire; and
  - g) Preliminary first aid measures.
2. Form of information. The emergency response information must be:
  - a) Printed legibly in English;
  - b) Available for use away from package containing the hazardous material; and
  - c) Presented with or on the shipping paper.
3. Maintenance of information - Emergency response information shall be maintained as follows:
  - a) Carriers - Each carrier who transports a hazardous material shall maintain the emergency response information in the same manner as prescribed for shipping papers.

- b) Facility operators - Each operator of a facility where a hazardous material is received, stored or handled during transportation, shall maintain the emergency response information whenever the hazardous material is present, and the information must be accessible to facility personnel in the event of an incident involving the hazardous materials.
- B. Emergency response telephone number (172.604)
- 1. A person who offers a hazardous material for transportation must provide a 24-hour emergency response telephone number, including the area code, for use in the event of an emergency involving the hazardous materials. The telephone number must be:
    - a) Monitored at all times the hazardous material is in transportation, including storage incidental to transportation;
    - b) The number of a person who is either knowledgeable of the hazards and characteristics of the hazardous material being shipped and has comprehensive emergency response and incident mitigation information for that material, or has immediate access to a person who possesses such knowledge and information; and
    - c) Entered on a shipping paper, as follows:
      - i. Immediately following the description of a hazardous material; or
      - ii. Entered once on the shipping paper in a clearly visible location. It must be indicated that telephone number is for emergency response information (for example: **"EMERGENCY CONTACT:"\*\*\***).



## GUIDE FOR PLACARDS

USE OF GUIDE - This guide is designed for in-house use when reviewing hazardous materials placarding requirements. However, this document should not be used to determine compliance with the U.S. DOT Hazardous Materials Regulations (HMR).

TABLE 1		TABLE 2	
Category	Placard Name	Category	Placard Name
1.1	Explosive 1.1	1.4	Explosive 1.4
1.2	Explosive 1.2	1.5	Explosive 1.5
1.3	Explosive 1.3	1.6	Explosive 1.6
2.3	Poison Gas	2.1	Flammable Gas
4.3	Dangerous When Wet	2.2	Non-Flammable Gas
5.2	Organic Peroxide	3	Flammable
(Type B Temperature Controlled)	Organic Peroxide	Combustible Liquid	Combustible
6.1 (Inhalation Hazard, Zone A or B) Poison Inhalation Hazard		4.1	Flammable Solid
7 (Radioactive yellow III label only)	Radioactive	4.2	Spontaneous Combustible
		5.1	Oxidizer
		5.2	Organic Peroxide
		6.1 (PG I or II, other than Zone A or B inhalation hazard) Poison	
		6.1 (PG III)	Keep Away from Food
		6.2	None
		8	Corrosive
		9	Class 9
		ORM D	None

Note: For details on the uses of Tables 1 and 2, see Section 172.504  
For placarding transition chart, see Section 171.14

### 1. GUIDELINES

- A. Placard any transport vehicle, freight container, or rail car containing any quantity of material listed in Table 1.
- B. Materials, which are shipped in bulk packages, such as portable tanks, cargo tanks, or tank cars, must be placarded when they contain any quantity of Table 1 and/or Table 2 material.
- C. Motor vehicles or freight containers containing packages which are subject to the "Poison-Inhalation Hazard" shipping paper description of Section 172.203(k)(4), must be placarded POISON in addition to the placards required by Section 172.504 (see Section 172.505).
- D. When the gross weight of all hazardous material covered in Table 2 is less than 1001 pounds, no placard is required on a transport vehicle or freight container.

### 2. ADDITIONAL PLACARDING GUIDELINES

- A. A transport vehicle or freight container containing two or more classes of material requiring different placards specified in Table 2 may be placarded DANGEROUS in place of the separate placards specified for each of those classes of material specified in Table 2. However, when 2205 pounds or more of one class of material is loaded therein at one loading facility, the placard specified for that class must be applied. This exception, provided in Section 172.504(b) does not apply to portable tanks, tank cars, or cargo tanks. CAUTION: Check each shipment for compliance with the appropriate hazardous materials regulations - Proper Classification, Packaging, Marking, Labeling, Placarding Documentation - prior to offering shipment.

## **MATERIALS OF TRADE** *(Definition)*

**Materials of Trade** means a hazardous material, other than a hazardous waste, that is carried on a motor vehicle —

- For the purpose of protecting the health and safety of the motor vehicle operator or passengers
- For the purpose of supporting the operation or maintenance of a motor vehicle (including its auxiliary equipment) or
- By a private motor carrier (including vehicles operated by a rail carrier) in direct support of a principal business that is other than transportation by motor vehicle

### **173.6 Materials of Trade Exceptions**

When transported by motor vehicle in conformance with this section, a materials of trade is not subject to any other requirements of this subchapter besides those set forth or referenced in this section.

#### **(A) Materials and Amounts**

A materials of trade is limited to the following:

- (1) A Class 3, 8, 9, Division 4.1, 5.1, 5.2, 6.1, or ORM-D material contained in a packaging having a gross mass or capacity not over—
  - (i) 0.5 kg (1 pound) or 0.5 L (1 pint) for a Packing Group I material;
  - (ii) 30 kg (66 pounds) or 30 L (8 gallons) for a Packing Group II, Packing Group III, or ORM-D material;
  - (iii) 1500 L (400 gallons) for a diluted mixture, not to exceed 2 percent concentration, of a Class 9 material.
- (2) A Division 2.1 or 2.2 material in a cylinder with a gross weight not over 100 kg (220 pounds), or a permanently mounted tank manufactured to ASME standards of not more than 70 gallon water capacity for a non-liquefied Division 2.2 material with no subsidiary hazard.
- (3) A Division 4.3 material in Packing Group II or III contained in a packaging having a gross capacity not exceeding 30 ml (1 ounce).
- (4) This section does not apply to a hazardous material that is self-reactive (see 173.124), poisonous by inhalation (see 173.133), or a hazardous waste.

#### **(B) Packaging**

- (1) Packaging must be leak tight for liquids and gases, sift proof for solids, and be securely closed, secured against movement, and protected against damage.
- (2) Each material must be packaged in the manufacturer's original packaging, or a packaging of equal or greater strength and integrity.
- (3) Outer packagings are not required for receptacles (e.g., cans and bottles) that are secured against movement in cages, carts, bins, boxes or compartments.
- (4) For gasoline, a packaging must be made of metal or plastic and conform to the requirements of this subchapter or to the requirements of the Occupational Safety and Health Administration of the Department of Labor contained in 29 CFR 1910.106(d)(2) or 1926.152(a)(1).
- (5) A cylinder or other pressure vessel containing a Division 2.1 or 2.2 material must conform to packaging, qualification, maintenance, and use requirements of this subchapter, except that outer packagings are not required. Manifolding of cylinders is authorized provided all valves are tightly closed.

**(C) Hazard Communication**

- (1) A non-bulk packaging other than a cylinder (including a receptacle transported without an outer packaging) must be marked with a common name or proper shipping name to identify the material it contains, including the letters “RQ” if it contains a reportable quantity of a hazardous substance.
- (2) A bulk packaging containing a diluted mixture of a Class 9 material must be marked on two opposing sides with the four-digit identification number of the material. The identification number must be displayed on placards, orange panels or, alternatively, a white square-on-point configuration having the same outside dimensions as a placard (at least 273 mm (10.8 inches) on a side), in the manner specified in 172.332 (b) and (c) of this subchapter.
- (3) A DOT specification cylinder (except DOT specification 39) must be marked and labeled as prescribed in this subchapter. Each DOT-39 cylinder must display the markings specified in 178.65(i).
- (4) The operator of a motor vehicle that contains a materials of trade must be informed of the presence of the hazardous material (including whether the package contains a reportable quantity) and must be informed of the requirements of this section.

**(D) Aggregate Gross Weight**

Except for a materials of trade authorized by paragraph (a)(1)(iii) of this section, the aggregate gross weight of all materials of trade on a motor vehicle may not exceed 200 kg (440 pounds).

**(E) Other Exceptions**

A materials of trade may be transported on a motor vehicle under the provisions of this section with other hazardous materials without affecting its eligibility for exceptions provided by this section.

## **Hazardous Materials (HM) Safety Permits**

Starting January 1, 2005, the HM Safety Permitting Program will start phasing in, requiring carriers of certain hazardous materials to hold an HM Safety Permit issued by the Federal Motor Carrier Safety Administration. Federal hazardous material transportation law, 49 U.S.C. 5101 et seq., was enacted ``to provide adequate protection against the risks to life and property inherent in the transportation of hazardous material in commerce \* \* \*".

### **What Hazardous Materials Require An HM Safety Permit?**

The following hazardous materials carried in these quantity amounts will require an HM Safety Permit:

1. Radioactive Materials: A highway route-controlled quantity of Class 7 material, as defined in 173.403 of 49 CFR.
2. Explosives: More than 25kg (55 pounds) of a Division 1.1, 1.2 or 1.3 material, or an amount of a Division 1.5 material requiring a placard under Part 172 Subpart F of 49 CFR.
3. Toxic by Inhalation Materials:  
Hazard Zone A: More than one liter (1.08 quarts) per package of a "material poisonous by inhalation," as defined in 171.8 of 49 CFR, that meets the criteria for "hazard zone A," as specified in 173.116(a) or 173.133(a) of 49 CFR.  
Hazard Zone B: A "material poisonous by inhalation," as defined in 171.8 of this title, that meets the criteria for "hazard zone B," as specified in 173.116(a) or 173.133(a) of 49 CFR in a bulk packaging (capacity greater than 450 L [119 gallons]).  
Hazard Zone C & D: A "material poisonous by inhalation," as defined in 171.8 of this title, that meets the criteria for "hazard zone C," or "hazard zone D," as specified in 173.116(a) of this title, in a packaging having a capacity equal to or greater than 13,248 L (3,500 gallons).
4. Methane: A shipment of compressed or refrigerated liquefied methane or liquefied natural gas or other liquefied gas with a methane content of at least 85% in a bulk packaging having a capacity equal to or greater than 13,248 L (3,500 gallons) for liquids or gases.

### **Do The Permitting Requirements Apply To Materials That Have Subsidiary Hazards That Fall In The Materials List, Even If Their Primary Hazard Does Not? Example: A Flammable Liquid, Class 3, Has A Subsidiary Poison Inhalation Hazard.**

Materials poisonous by inhalation that meet the definitions in 171.8, 173.116(a) and 173.133(a) will require a permit regardless of other hazards the materials may exhibit. Materials will generally not have a subsidiary radioactive or explosive hazard as these hazards would be considered the primary hazard. Liquefied gases must have at least 85% methane content to require a permit, or meet the definitions of materials toxic by inhalation, explosive or radioactive.

### **Are Shipments Of LPG Covered Under The HM Safety Permit Program?**

No. Only shipments of flammable gas containing at least 85% methane content are covered by the HM Safety Permit program.

### **Is Anhydrous Ammonia Covered Under The HM Safety Permit Program?**

Yes. Even though anhydrous ammonia is regulated domestically as a non-flammable gas, anhydrous ammonia still meets the definition of a toxic by inhalation material Hazard Zone D and is covered when transported in a packaging having a capacity greater than 13,248 L (3,500 gallons).

### **When Do I Need To Have My HM Safety Permit?**

Motor carriers will be required to apply for the HM Safety Permit, or a Temporary HM Safety Permit, the next time they renew their biennial update (filing the MCS-150) AFTER JANUARY 1, 2005. For a motor carrier, such as an intrastate carrier, that has not, prior to January 1, 2005, filed a MCS-150 form, AFTER JANUARY 1, 2005, they must hold the HM Safety Permit or a Temporary HM Safety Permit in order to transport the permitted hazardous materials (HM).

### **How do I Apply for An HM Safety Permit?**

When a motor carrier is required to submit their MCS-150 form, the motor carrier simply completes the MCS-150B form in the place of the MCS-150. This starts the permit application process. If a motor carrier has not previously submitted a MCS-150 form to FMCSA, then they would simply fill out the MCS-150B to start the application process.

### **Where Can I Obtain The MCS-150B Form?**

Hard copies of the MCS-150B are available through each FMCSA District Office.

On-line applications can be completed by visiting the following link: [http://li-public.fmcsa.dot.gov/LIVIEW/PKG\\_REGISTRATION.prc\\_option](http://li-public.fmcsa.dot.gov/LIVIEW/PKG_REGISTRATION.prc_option).

### **What Are Carriers Required To Do To Obtain And Keep An HM Safety Permit?**

Carriers will be required to:

1. Maintain a "satisfactory" safety rating in order to obtain and hold a safety permit.
2. Maintain their crash rating, and their driver, vehicle, hazardous materials or out-of service rating so they are not in the worse 30 percent of the national average as indicated in FMCSA's Motor Carrier Management Information System (MCMIS).
3. Have a satisfactory security program (and associated training) according to 49 CFR 173.800 in place.
4. Maintain registration with RSPA.
5. Develop a system of communication that will enable the vehicle operator to contact the motor carrier during the course of transportation and maintain records of these communications.
6. Have written route plan required for radioactive materials set forth in 49 CFR 397.101 and for explosives in Part 397.19 (currently required).
7. Perform a pre-trip inspection (North American Standard (NAS) Level VI Inspection Program for Radioactive Shipments) for shipments containing highway route controlled Class 7 (radioactive) materials.

**REQUIRED TO REGISTER?**  
**Pipeline and Hazardous Materials Safety Administration (PHMSA)**  
**(Formerly Research and Special Programs Administration (RSPA))**

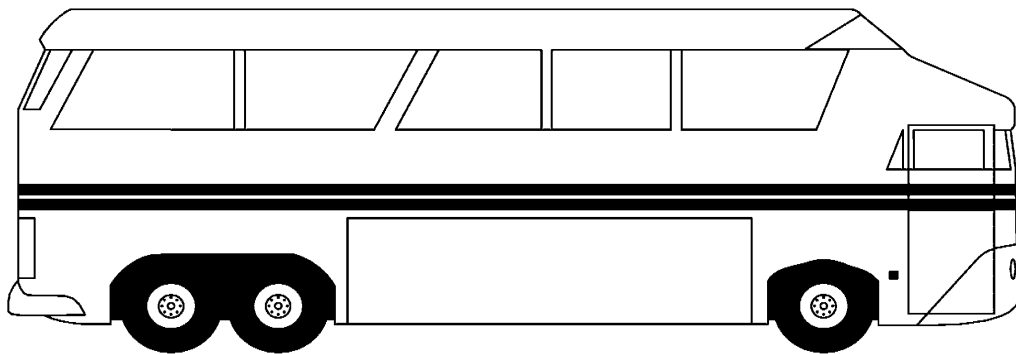
Pursuant to Title 49 CFR **Part 107, Subpart G** (107.601 - 107.620), certain offerors and transporters of hazardous materials, including hazardous waste, are required to file an annual registration statement with the U.S. Department of Transportation and to pay a fee. The fee provides funds for grants distributed to States and Indian tribes for hazardous materials emergency response planning and training. This program began in 1992 and is administered by the Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration (PHMSA).

The Instruction Brochure and Registration Form can be printed from the following link: <http://www.hazmat.dot.gov/>. This brochure contains extensive information about the registration requirements. You can call (617) 494-2545 or (800) 942-6990 to request additional copies of the brochure and form or to inquire about the status of registrations already submitted and certificates of registration. For questions concerning the program or its requirements, e-mail via the web page or call (202) 366-4109.

**Where can I get more information about Hazardous Materials?**

There are many ways to get additional information about safe transportation of hazardous materials. The regulations and interpretations can be found on the Internet at [www.hazmat.dot.gov](http://www.hazmat.dot.gov). In addition, the Federal Motor Carrier Safety Administration has developed an informational booklet titled "How to Comply with the Federal Hazardous Materials Regulations" as well as a Spanish/English bi-lingual package which contains general awareness training for hazardous materials. These documents and more information can be found on the FMCSA Website at [www.fmcsa.dot.gov/safetyprogs/hm.htm](http://www.fmcsa.dot.gov/safetyprogs/hm.htm). The department also offers a hazardous materials information hotline at 1-800-HMR-4922.

## **Motor Carriers of Passengers**



## **Motor Carriers of Passengers**

Historically, the predecessor agencies of the FMCSA only regulated “for-hire” transportation of passengers with a vehicle designed to transport more than 15 passengers, including the driver.

Private motor carriers of passengers (PMCPs) became subject to the FMCSRs on January 1, 1995. They are separated into two groups (business or nonbusiness) and are exempt from certain requirements of the FMCSRs.

Motor carriers operating vehicles designed or used to transport 9 to 15 passengers (including the driver) for compensation became subject to three regulatory standards on February 12, 2001.

### **For-Hire Carriers**

Three factors must be present before a motor carriers of passengers is classified as a “for-hire” carrier:

1. The motor carrier provides interstate transportation of passengers for a commercial purpose;
2. The motor carrier is compensated, either directly or indirectly, for the transportation service provided; and
3. The transportation service is generally available to the public at large.

Examples of for-hire transportation of passengers include intercity bus service, charter bus service, canoe rental company bus service, and hotel bus service.

### **Business PMCPs**

Business PMCPs provide private transportation of passengers in the furtherance of a commercial purpose.

Examples of business PMCPs include companies that use buses to transport their own employees and professional musicians who use buses for concert tours.

### **Non-Business PMCPs**

Non-business PMCPs provide private transportation of passengers that is not in the furtherance of a commercial purpose.

Examples of non-business PMCPs include churches, private schools, scout groups, and other organizations that may purchase or lease buses for the private transportation of their respective groups.



## What is a Business PMCP?

Business PMCPs provide private transportation of passengers in the furtherance of a commercial purpose. Examples include companies that use buses to transport their own employees and professional musicians who use buses for concert tours. Commercial businesses that provide passenger transportation to the general public are not business PMCPs.

### Applicability of FMCSRs

The chart below summarizes the applicability of the Federal Motor Carrier Safety Regulations (FMCSRs) to Business Private Motor Carriers of Passengers (PMCPs):

PART	REGULATORY TOPIC	APPLICABLE
380	Special Training Requirements Entry Level Driver Training Requirements	Yes
382	Controlled Substances and Alcohol Use and Testing	Yes
383	Commercial Driver's License	Yes
387	Financial Responsibility (Insurance/Surety)	No
390	General Applicability and Definitions	Yes
391	Qualifications of Drivers	Partial
392	Driving of Commercial Motor Vehicles	Yes
393	Parts and Accessories	Yes
395	Driver's Hours of Service	Yes
396	Inspection, Repair, and Maintenance	Yes

### Exemptions

Business PMCPs are not subject to:

- Minimum levels of financial responsibility
- Road test requirements of Part 391

## What is a Non-business PMCP?

Non-business PMCPs provide private transportation of passengers that is not in the furtherance of a commercial purpose. Examples of non-business PMCPs include churches, private schools, civic organizations, scout groups, and other charitable organizations that may purchase or lease buses for the transportation of their respective groups.

### Applicability of FMCSRs

The chart below summarizes the applicability of the Federal Motor Carrier Safety Regulations (FMCSRs) to non-business Private Motor Carriers of Passengers (PMCPs):

PART	REGULATORY TOPIC	APPLICABLE
380	Special Training Requirements Entry Level Driver Training Requirements	Yes
382	Controlled Substances and Alcohol Use and Testing	Yes
383	Commercial Driver's License	Yes
387	Financial Responsibility (Insurance/Surety)	No
390	General Applicability and Definitions	Yes
391	Qualifications of Drivers	Partial
392	Driving of Commercial Motor Vehicles	Yes
393	Parts and Accessories	Yes
395	Driver's Hours of Service	Partial
396	Inspection, Repair, and Maintenance	Partial

### Exemptions

Non-business PMCPs are not subject to:

- Minimum levels of financial responsibility
- Subpart C of Part 391
- Subpart D of Part 391
- Subpart F of Part 391
- Most paper work and record-keeping requirements of Parts 390, 391, 395, and 396

## Applicability of the Minimum Financial Responsibility Regulations to Motor Carriers of Passengers

### Applicability

Regulations covering minimum levels of financial responsibility (insurance) are found in 49 CFR Part 387, Subpart B. These regulations are only applicable to “for-hire” carriers transporting passengers in interstate commerce.

The chart below summarizes the applicability of the minimum levels of financial responsibility regulations to passenger carriers.

	<b>“For-Hire” Passenger Carrier</b>	<b>Business PCMPs</b>	<b>Non-business PCMPs</b>
Vehicle with a seating capacity of 16 or more	\$5,000,000 insurance coverage required	Not Subject	Not Subject
Vehicle with a seating capacity of 15 or less	\$1,500,000 insurance coverage required	Not Subject	Not Subject

### Exemptions

Minimum Financial Responsibility Regulations do not apply to:

- A motor vehicle transporting only school children and teachers to and from school
- A motor vehicle providing taxicab service, having a seating capacity of less than 7 passengers, and not operating on a regular route or between specified points
- A motor vehicle carrying less than 16 individuals in a single daily round trip to commute to and from work (van pool)

## **Common Questions About the Applicability of the FMCSRs to Private Motor Carriers of Passengers (PMCPs)**

### **Are PMCPs required to mark their vehicles as required by 49 CFR Part 390.21?**

Yes. All PMCPs must register with the FMCSA as required by 49 CFR Part 385, and mark their vehicle with their name, city and state, and U.S. DOT number.

### **Are non-business PMCP drivers required to be medically examined?**

No. Section 391.68 (a)(4) specifically states that much of Sections 391.41 and 391.45, which require a driver to be medically examined and to have a medical examiner's certificate on his/her person, do not apply to non-business PMCPs. However, non-business PMCP drivers are subject to the minimum physical qualification standards found in Section 391.41 (b) (1)-(13).

Non-business PMCPs should become familiar with the minimum physical qualification standards found in Section 391.41 and the driver waiver conditions of Section 391.49.

Non-business PMCP drivers may be placed out-of-service during terminal, en route, or destination inspections if they are required by Section 391.41 to have a waiver and do not possess one.

### **Are non-business PMCP drivers subject to the driver's hours of service regulations?**

Yes. However, they are not required to prepare or maintain records of duty status. Non-business PMCP driver's hours of service will be evaluated by enforcement officers during terminal, en route, and destination inspections based on evidence available at the inspection location.

It is recognized that some individuals who volunteer to drive for non-business PMCPs may also drive for other motor carriers and in that capacity are required to maintain a record of duty status. All on-duty time performed for a non-business PMCP must be recorded on the records of duty-status submitted to that driver's regularly employing motor carrier.

### **Are non-business PMCPs required to have their vehicles inspected?**

Yes. Section 396.17 requires that commercial motor vehicles be inspected at least once annually. The inspection must be completed by a qualified inspector and must include all components identified in Appendix G of the FMCSRs. Documentation of this inspection must be kept on the vehicle.

# **Applicability of the Federal Motor Carrier Safety Regulations to School Bus Transportation**

## **Applicability of FMCSRs (Parts 390-399) to School Bus Transportation**

	<b>School to Home or Home to School</b>	<b>Extracurricular School Activities</b>
Public School Transporting Students	Not Subject	Not Subject
Private School Transporting Pre-primary, Primary, and Secondary Students	Not Subject	Subject as Non-business PMCPs
Private School Transporting Post-secondary Students	Subject as Non-business PMCPs	Subject as Non-business PMCPs
“For-Hire” Contractors Transporting Pre-primary, Primary, and Secondary Students	Not Subject	Subject as “For-Hire” Carriers
“For-Hire” Contractors Transporting Post-secondary Students	Subject as “For-Hire” Carriers	Subject as “For-Hire” Carriers

## Applicability of Minimum Financial Responsibility Part 387 Regulations to School Bus Transportation

	<b>School to Home or Home to School</b>	<b>Extracurricular School Trips Organized and Paid for by the School</b>	<b>Extracurricular School Trips Organized and Paid for by an Independent Group (e.g., Athletic Booster Club)</b>
“For-Hire” Contractors Transporting Pre-primary, Primary, and Secondary Students and Accompanying Teachers	Not Subject	Not Subject	<p>Bus seating capacity of 16 or more: \$5,000,000 insurance coverage required</p> <p>Bus seating capacity of 15 or less: \$1,500,000 insurance coverage required</p>
“For-Hire” Contractors Transporting Post-secondary Students	<p>Bus seating capacity of 16 or more: \$5,000,000 insurance coverage required</p> <p>Bus seating capacity of 15 or less: \$1,500,000 insurance coverage required</p>	<p>Bus seating capacity of 16 or more: \$5,000,000 insurance coverage required</p> <p>Bus seating capacity of 15 or less: \$1,500,000 insurance coverage required</p>	<p>Bus seating capacity of 16 or more: \$5,000,000 insurance coverage required</p> <p>Bus seating capacity of 15 or less: \$1,500,000 insurance coverage required</p>

## **Applicability of the Federal Motor Carrier Safety Regulations to Commercial Operators of Small Passenger-Carrying Vehicles**

**What requirements are applicable to operators of small passenger-carrying commercial motor vehicles?**

### **In Interstate Commerce**

Operators of vehicles designed or used to transport 9 to 15 passengers (including the driver) for compensation, are subject to the Motor Carrier Identification Report (Form MCS-150) filing requirements of Section 390.19, the commercial motor vehicle marking requirements of Section 390.21, and the accident register recordkeeping requirements of Section 390.15.

### **In Intrastate Commerce**

Operators of vehicles both private and regulated designed or used to transport 6 or more passengers, excluding the driver, are subject to the Federal Motor Carrier Safety Regulations when operating in intrastate commerce.

Passenger carriers with a designed seating capacity of 15 or less are exempt from Part 382 – Controlled Substances and Alcohol Use and Testing, and Part 383 - Commercial Driver's License Standards.

## **Medical Exemption Program**





**For more information regarding Skill Performance Evaluations (SPEs), Medical Exemptions or Waivers:**

- Skill Performance Evaluation Certificate Program for Drivers with Missing or Impaired Arms, Hands, Fingers, Legs or Feet
- Medical Exemptions for Drivers with Vision or Diabetes Impairments

**Interstate Commerce**

**Contact information:**

**FMCSA, Physical Qualifications Service Centers**

Service Center	Territory Included	Location of Office - Telephone Number
Eastern.....	CT, DC, DE, MA, MD, ME, NJ, NH, NY, PA, PR, RI, VA, VT, Virgin Islands, WV.	City Crescent Building, #10 South Howard Street, Suite 4000, Baltimore, MD 21201-2819 Telephone: (410) 779-1680
Midwestern.....	IA, IL, IN, KS, MI, MO, MN, NE, OH, WI.	19900 Governors Drive, Suite 210, Olympia Fields, IL 60461-1021 Telephone: (708) 283-3569
Southern.....	AL, AR, FL, GA, KY, LA, MS, NC, NM, OK, SC, TN, TX.	61 Forsyth Street, SW, Suite 17T75 Atlanta, GA 30303-3104 Telephone: (404) 562-3607 Telephone: (404) 562-3623
Western.....	American Samoa, AK, AZ, CA, CO, Guam, HI, ID, Mariana Islands, MT, ND, NV, OR, SD, UT, WA, WY.	201 Mission Street, Suite 2100 San Francisco, CA 94105-1838 Telephone: (415) 744-3088
<p><b>Note 1:</b> Canadian carriers, for information regarding proper service center, contact a FMCSA division (State) office in AK, ME, MI, MT, NY, ND, VT, or WA.</p> <p><b>Note 2:</b> Mexican carriers, for information regarding proper service center, contact a FMCSA division (State) office in AZ, CA, NM, or TX.</p>		

FMCSA, Vision and Diabetes Division .....(703) 448-3094

Or visit the web @ [www.fmcsa.dot.gov/](http://www.fmcsa.dot.gov/)

**Intrastate Commerce**

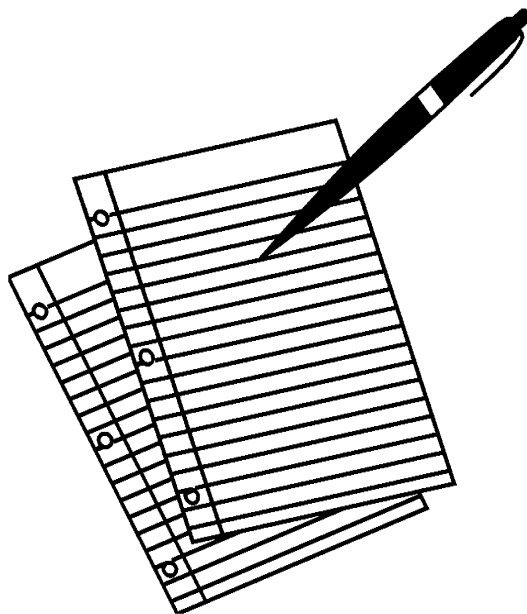
**Contact information:**

Intrastate application packets are available by contacting:

MoDOT  
Attn: Medical Exemption Program  
Motor Carrier Services Division  
P.O. Box 893  
Jefferson City, MO 65102-0893

MoDOT Motor Carrier Services Division.....(866) 831-6277  
Or.....(573) 522-9001

# Leasing



## LEASING

### A. Leasing Equipment With or Without a Driver to an Authorized Carrier

1. When a person who is not authorized by this division, leases equipment with or without a driver to an authorized carrier or if an authorized carrier leases equipment to another authorized carrier, the lease must be reduced to writing with at least two executed copies. One copy must be retained by the lessee (the person to whom property is leased) and the other must accompany the driver of the leased vehicle.

When the vehicle is leased (except if subleased as explained below), the lessee is considered the operator of the vehicle. The lease should state that the leased equipment is to be operated solely by the lessee during the term of the lease and that the lessee maintains control over the operation of the equipment including licensing, markings, insurance, drivers' qualifications, drivers' hours of service and all related items, to the same extent as if the lessee was the actual owner of the vehicle.

The lessee must accept responsibility to the public for any injury caused in the operation of leased equipment during the term of the lease, display appropriate vehicle markings and shall maintain and operate the leased equipment in accordance with all state requirements. Upon termination of the lease, lessee markings and copies of all leases must be removed from all vehicles.

### B. Leasing Equipment to Shippers, Receivers, Passenger, Chartering Groups or Other Person Not Authorized by the Division.

1. If a person who is not authorized by this division to engage in intrastate transportation, leases equipment and driver to a shipper, receiver, passenger or chartering group, the intrastate transportation is presumed to be private carriage if:
  - a) The lessee accepts full control and responsibility over the operation of the equipment and drivers;
  - b) The lease includes all required items as listed in A above; and
  - c) The period for which the lease applies must be (30) consecutive days or more.

The resulting operation will not be presumed to be private if the lease does not meet these requirements.

2. An authorized motor carrier shall not lease vehicles with or without a driver to shippers or receivers of property nor to passengers or chartering groups.

### C. Subleasing Equipment With or Without a Driver to Another Authorized Carrier

An authorized motor carrier shall not sublease a leased vehicle with or without a driver unless the lease expressly authorizes the lessee motor carrier to sublease the vehicle to another authorized motor carrier. When a vehicle is subleased, the new lessee is exclusively responsible for the complete operations of the vehicle and it cannot be further subleased.

### D. Leasing of Authority

A motor carrier cannot lease an operating authority, unless approved by the division.

### E. For More Detailed Information Concerning Leasing, Refer to 4 CSR 265-10.040.

**Over-dimension/Overweight**

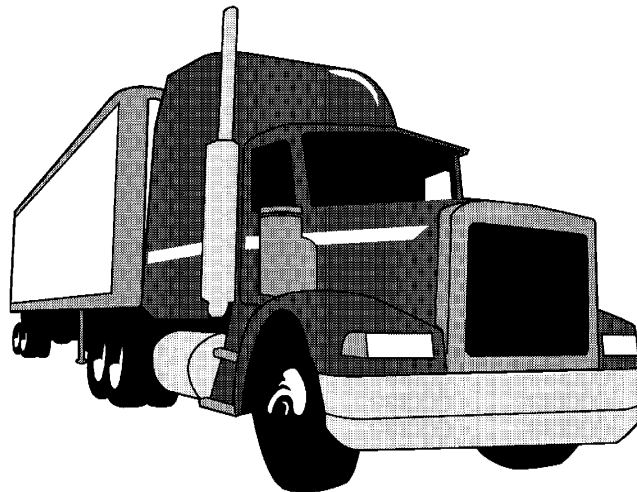
**International Fuel Tax Agreement**

**International Registration Plan**

**Single State Registration System**

**Hazardous Exempt/Waste Tire Transporter**

**Interstate Exempt/Intrastate Regulatory Authority**



## MOTOR CARRIER SERVICES

*Motor Carrier Services (MCS) will strive to improve the safety and traffic flow on Missouri's transportation system by working closely with the public and our stakeholders.*

**Motor Carrier Services** - MoDOT Motor Carrier Services (MCS) provides a service for the commercial motor vehicle industry so carriers can receive what they need in one physical location or in their place of business via web applications. The motor carrier's business is to deliver goods as quickly, safely, efficiently and cost-effectively as possible – MCS works with the carriers to do just that. MCS provides information, credentials, permits and enforces safety and economic regulations for businesses and individuals operating commercial vehicles on the public highways in and through Missouri. Headquartered in Jefferson City, there are ten regional safety and compliance offices, which will be incorporated into MoDOT's 10 districts across the state. MCS partners with state, national and international entities to meet public and carrier needs.

Specific responsibilities of MCS are as follows:

**International Registration Plan (IRP)** - The IRP is a registration reciprocity agreement among 48 contiguous states of the United States, District of Columbia, and 10 provinces of Canada. The program for apportioned registration is based upon the percentage of miles traveled in two or more jurisdictions. The unique feature of this Plan is that, license fees are paid to the base jurisdiction and one license plate and cab card is issued for each apportionable vehicle registered under this Plan. The license fees are distributed on a pro-rata basis by the base jurisdiction to the other jurisdictions in which the vehicle operates. An apportionable vehicle is one that may be operated both interstate and intrastate.

**International Fuel Tax Agreement (IFTA)** - The IFTA is an agreement among 48 contiguous states of the United States and 10 provinces of Canada to promote and encourage the most efficient use of the highway system by making uniform the administration of motor fuels taxation for motor vehicles operating in multiple member jurisdictions. Under the agreement, one license is issued per licensee and one set of door decals for each registered vehicle. Licensees are required to file quarterly tax returns with the base jurisdiction, showing all miles traveled, fuel purchased, fuel consumed and tax liability or credit for each member jurisdiction.

**Single State Registration System (SSRS)** - The SSRS allows the motor carrier to register in their base state for authority in each of the 38 jurisdictions participating in the program. The program registers interstate for-hire motor carriers holding authority issued by the Federal Motor Carrier Safety Administration (FMCSA) and ensures adequate insurance coverage is in place depending on the type of carrier/commodity. MCS collects fees for SSRS and distributes the applicable amount to other jurisdictions.

**Hazardous Waste/Waste Tire Transporter** - MCS provides for the licensing and registration of hazardous waste and/or waste tires transporters operating in or through Missouri. MCS collects and deposits fees into the Missouri Department of Natural Resources (MDNR) fund and coordinates licensing with MDNR.

**Interstate Exempt/Intrastate Regulatory Authority** - For-hire motor carriers transporting property or passengers in interstate commerce exempt from federal authority (between states) and intrastate commerce (wholly within the state) are required to apply for authority to operate in or through Missouri. MCS issues certificates, permits and/or property carrier registration, including a one-year license to for-hire transporters moving houses within Missouri. This process allows for verification that motor carriers have required insurance.

**Overdimension/Overweight (OD/OW) Permits** - MCS issues permits for vehicles and/or equipment exceeding the legal limits for width, length, height and weight, provided a safe route can be found. Applications are taken by direct telephone, telephone from MoDOT districts, mail, the Internet and walk-ins. Permits are issued for either a single trip or a definite time period. MCS also ensures that loads in excess of routine permit limits are evaluated by district offices and MoDOT's Bridge Division and meets fuel, licensing, safety and insurance requirements.

**Safety and Compliance** – MCS Safety and Compliance section provides for the education and enforcement of Missouri state laws and federal safety and hazardous materials regulations for the transportation of freight and passengers. The section has an extensive outreach training program to benefit the industry, conducting more than one hundred sessions per year. These efforts promote motor carrier safety, including the agricultural community, industry productivity, and encourage safer transportation practices by ensuring operating requirements for commercial vehicle drivers, carriers, vehicles and equipment are met. Through the medical waiver program, Missouri provides an opportunity for drivers who cannot meet the minimum medical qualifications to have an alternate method to obtain a skill performance evaluation certificate (federal and state). The enforcement of hazardous materials regulations is designed to ensure safe and secure transportation, proper packaging, employee training, hazard communication and operational requirements are followed. Staff relies on the inspection of commercial vehicles at terminals and destinations, compliance reviews, new entrant safety audits to new applicants, hazardous material package inspections, and investigation of complaints to ensure compliance. The generation of a safety rating for the company, prosecution of penalty cases when serious violations are discovered, and improved homeland safety and security are the benefits of the program. The section also provides oversight for the settlement of state safety, hazardous materials and economic prosecution cases.

**Questions on all programs, such as OD/OW, SSRS, IFTA/IRP, Hazardous Waste/Waste Tire or Interstate Exempt/Intrastate Regulatory Authority? Call (866) 831-6277**

# **How to Obtain Manuals and Forms & Field Office Directory**



# HOW TO OBTAIN MANUALS AND FORMS

Motor Carrier Services Division does not stock or supply manuals and forms, such as the FMCSRs, “Accident Countermeasure” Manual, Medical Examiner’s Certificate, Driver’s Qualification File Forms, Driver’s Daily Log Books, Hazardous Materials Placards, Hazardous Materials Labels, etc. They may be obtained from printing firms, state motor carrier associations, or other sources including, but not confined to, those listed below. Please note that the following suppliers may carry only certain items:

<b>Artcrest, Inc. Company</b> P.O. Box 164666 2003 Louisiana Street Little Rock, AR 72216 (501) 374-6427 <a href="http://www.artcrest.com">http://www.artcrest.com</a>	<b>Lancer Insurance</b> P.O. Box 9004 370 West Park Avenue Long Beach, NY 11561-9004 (800) 782-8902 <a href="http://www.lancerinsurance.com">http://www.lancerinsurance.com</a>
<b>Jack Bilt Corporation</b> 108 West 19 <sup>th</sup> Street Kansas City, MO 64108 (800) 522-5245 <a href="http://www.jack-bilt.net">http://www.jack-bilt.net</a>	<b>LabelMaster</b> 5724 North Pulaski Road Chicago, IL 60646 (800) 621-5808 <a href="http://labelmaster.com">http://labelmaster.com</a>
<b>J.J. Keller &amp; Associates, Inc.</b> 3003 West Breezewood Lane Neenah, WI 54956 (877) 564-2333 <a href="http://www.jjkeller.com">http://www.jjkeller.com</a>	<b>Missouri Motor Carriers Assoc.</b> 102 East High Street Jefferson City, MO 65101 (573) 634-3388 <a href="http://www.motrucking.org">http://www.motrucking.org</a>
<b>Superintendent of Documents U.S. Government Printing Office</b> 732 N. Capitol Street N.W. Washington, DC 20401 (202) 512-0000 <a href="http://www.gpoaccess.gov">http://www.gpoaccess.gov</a>	<b>Triodyne, Inc.</b> 666 Dundee Rd., Suite 103 Northbrook, IL 60062-2732 (847) 677-4730 <a href="http://www.triodyne.com">http://www.triodyne.com</a>

## Regulatory Publications:

Federal Motor Carrier Safety Regulations 49 CFR Parts 200-399

Federal Hazardous Materials Regulations 49 CFR Parts 100-177

HM Container Regulations 49 CFR Parts 178-199



## **FIELD OFFICE DIRECTORY**

**Missouri Department of Transportation**

**Motor Carrier Services Division**

*[www.modot.mo.gov](http://www.modot.mo.gov)*

*[www.modot.org/mcs](http://www.modot.org/mcs)*

**State Headquarters – Toll Free (866) 831-6277**

**Motor Carrier Services Division**

**P.O. Box 893**

**Jefferson City, MO 65102**

**Office: (573) 751-7117**

**Fax: (573) 751-4354**

**Ben F. Goodin**

**Motor Carrier Services Administrator**

**Office: (573) 751-7117**

**Fax: (573) 522-4972**

**Charles Gohring**

**Transportation Program Manager**

**Office: (573) 751-7117**

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**E-mail: [charles.gohring@modot.mo.gov](mailto:charles.gohring@modot.mo.gov)**

**Jeff Payne**

**Transportation Program Manager**

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**E-mail: [jeffrey.payne@modot.mo.gov](mailto:jeffrey.payne@modot.mo.gov)**

**Mark Biesemeyer**

**Transportation Program Manager**

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**Fax: (573) 751-4354**

**E-mail: [mark.biesemeyer@modot.mo.gov](mailto:mark.biesemeyer@modot.mo.gov)**

**Darrell Colvin**

**Motor Carrier Specialist**

**Case Settlement**

**Office: (573) 751-7117**

**Fax: (573) 751-4354**

**E-mail: [darrell.colvin@modot.mo.gov](mailto:darrell.colvin@modot.mo.gov)**

**Darrell Chute**

**Motor Carrier Specialist**

**Training & Public Outreach**

**Office: (573) 751-7117**

**Fax: (573) 751-4354**

**E-mail: [darrell.chute@modot.mo.gov](mailto:darrell.chute@modot.mo.gov)**

**Kathy Hatfield**

**Motor Carrier Specialist**

**Medical Exemption Program**

**Office: (573) 751-7117**

**Fax: (573) 751-4354**

**E-mail: [kathy.hatfield@modot.mo.gov](mailto:kathy.hatfield@modot.mo.gov)**

**Missouri Department of Transportation  
Motor Carrier Services Division**

**Field Offices**

**Cameron Office**

204 N. Pine  
Cameron, MO 64429  
Office: (816) 649-1200  
Fax: (816) 649-1210

**Springfield Office**

2032 E. Kearney, Suite 206  
Springfield, MO 65803  
Office: (417) 895-6365  
Fax: (417) 895-6364

**Poplar Bluff Office**

1901 Northwood  
Poplar Bluff, MO 63901  
Office: (573) 840-9740  
Fax: (573) 840-9206

**St. Charles Office**

512 Madison Street  
St. Charles, MO 63301  
Office: (636) 940-3315  
Fax: (636) 940-3319

**Jefferson City Office**

1320 Creek Trail Drive  
Jefferson City, MO 65109  
Office: (573) 522-4936  
Fax: (573) 751-4354

**Macon Office**

902 N. Missouri  
Macon, MO 63552  
Office: (660) 385-1496  
Fax: (660) 385-1517

**Warrensburg Office**

506 N. Maguire, Suite D  
Warrensburg, MO 64093  
Office: (660) 543-1000  
Fax: (660) 543-1003

**Joplin Office**

3901 E. 32<sup>nd</sup> Street  
Joplin, MO 64802  
Office: (417) 629-3347  
Fax: (417) 629-3373

**Willow Springs Office**

3956 East Main  
Willow Springs, MO 65793  
Office: (417) 469-1036  
Fax: (417) 469-4802

**Local & Bordering  
Federal Motor Carrier Safety Administration  
Field Offices**

**ARKANSAS**

2527 Federal Building  
700 West Capitol Ave.  
Little Rock, AR 72201  
(501) 324-5050

**ILLINOIS**

3250 Executive Park Drive  
Springfield, IL 62703-4514  
(217) 492-4608

**IOWA**

105 6<sup>th</sup> Street  
Ames, IA 50010-6337  
(515) 233-7400

**KANSAS**

1303 SW First American Place, Suite 200  
Topeka, KS 66604-4040  
(785) 271-1260

**KENTUCKY**

330 West Broadway  
Frankfort, KY 40601  
(502) 223-6779

**MISSOURI**

3219 Emerald Lane, Suite 500  
Jefferson City, MO 65109  
(573) 636-3246

**NEBRASKA**

100 Centennial Mall North, Room 220  
Lincoln, NE 68508  
(402) 437-5986

**OKLAHOMA**

300 N. Meridian, Suite 106 South  
Oklahoma City, OK 73107  
(405) 605-6047

**TENNESSEE**

640 Grassmere Park, Suite 111  
Nashville, TN 37211  
(615) 781-5781

**FMCSA Information Line 1-800-832-5660**

The automated response asks the caller to choose one of the five numbers for further information as follows: (rotary callers may stay on the line)

- To apply for a USDOT # or operating authority, press 1.
- For a safety rating, a carrier profile or other safety data or to check the status of your application for a USDOT #, press 2 and stay on the line while your call is connected.
- For insurance filing information, press 3.
- To check the status of your application for operating authority or for other operating authority information, press 4.
- For household goods movement complaints and related issues, press 5.
- For all other questions or complaints, please contact the Federal Motor Carrier Safety Administration office nearest you, for the telephone number of that office, press 6.

**FMCSA's Household Goods Consumer Complaint Hotline 1-888-368-7238**

**U.S. DOT Number and MC Number are also available online:**

*<http://www.fmcsa.dot.gov>*



Missouri Department of Transportation  
**Motor Carrier Services**

1-866-831-6277

[www.modot.org/mcs](http://www.modot.org/mcs)